

DEVELOPMENT ADVOCATE PAKISTAN



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#LeaveNoOneBehind The Equality Paradigm





DEVELOPMENT ADVOCATE PAKISTAN

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Development Advocate Pakistan provides a platform for the exchange of ideas on key development issues and challenges in Pakistan. Focusing on a specific development theme in each edition, this quarterly publication fosters public discourse and presents varying perspectives from civil society, academia, government and development partners. The publication makes an explicit effort to include the voices of women and youth in the ongoing discourse. A combination of analysis and public opinion articles promote and inform debate on development ideas while presenting up-to-date information.



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CONSTITUTION ISLAMIC REPUBLIC OF PAKISTAN 1973



Prioritizing the Most Vulnerable



By
Aliona Niculita
Resident Representative a.i.
UNDP Pakistan

Every year, December 10th marks the International Human Rights Day, reminding us of our collective necessity to struggle for upholding universal human rights enshrined in the Universal Declaration of Human Rights adopted in 1948. This landmark declaration proclaims that all human beings are born free and equal in dignity and rights. It also states that everyone – regardless of race, colour, religion, sex, language, political views, national or social origin, property, birth or other status – is entitled to inalienable rights.

At the heart of the philosophy of human rights stands the principle of equality. When unbalanced or disrupted, social and economic inequality threatens the foundations of a just society. The World Inequality Report 2022 points to the increasing grasp of wealth in a few hands, exacerbated by the COVID-19 pandemic, with the world's richest 10 percent owning three quarters of global wealth. This

concentration of wealth and power has serious implications for the political, economic, social and environmental global order.

While the pandemic impacted all segments of society, it hit hardest those who are already the most vulnerable and disadvantaged. In Pakistan, the 2020 annual report of the Human Rights Commission of Pakistan details how many of the gains in health and education of the previous decades were rolled back as the economy tanked and people – especially factory workers and private employees – lost their jobs. Access to medical facilities was also severely impacted, and tens of millions of children missed routine immunization.

Lockdowns, a key feature of the pandemic, caused immense socio-economic impacts to the lower strata. Daily wage labourers and poorest households were pushed further into destitution. However, economic relief programs by the government – such as the Ehsaas programme – helped mitigate some of these devastating effects.

The closure of schools and the switchover to online education left an array of children unable to continue classes as a result of absent or unreliable internet coverage. Previous learning time lost will have long-term consequences for literacy levels, especially for girls' education. Weak literacy levels will impact rights' awareness.

COVID-19 also placed immense stress on freedom of movement. Work from home and limited allowances of movement in public spaces threw victims and perpetrators of domestic violence and sexual abuse in close proximity for extended periods of time, leading to a spike in these crimes.

Prisoners also faced the brunt of the pandemic. Right to space and health was severely impacted, and overcrowded prisons were hotbeds for spread of the disease.

For population segments living on the fringes – such as transgenders, differently

abled, and other minority groups – COVID-19 placed overwhelming pressures on their lives and livelihoods.

Prioritizing welfare of society's most vulnerable is an important pathway towards addressing inequality and ensuring fundamental human rights. Inequality – in livelihoods, rule of law, access to justice, basic social services, political participation and representation, and overall national growth - means constrained choices for many, and imbalanced opportunities for only a few. A low-income young person from rural Balochistan may have to choose to earn an income over attending school. A person with disabilities may have to choose a job that he or she is overqualified for, over unemployment. A woman may have to choose safety over economic opportunity.

Globally, human rights due diligence is gaining increasing importance as a fundamental means to advance responsible economic and business practices. By implementing human rights due diligence in their activities, businesses can ensure that they do not cause or are linked to human rights violations through their activities and supply chains, and take corrective action if they are.

Hence, Pakistan's recent adoption of National Action Plan on Business and Human Rights, led by the Federal Ministry of Human Rights, is a dynamic new step towards creating rights-based socio-economic equalities in Pakistan. The U.N. Guiding Principles on Business and Human Rights, on which this NAP is founded, provide a simple but powerful framework to advance the protection and respect for human rights of the most vulnerable and marginalized workers in all forms of economic and business activity, in both formal and informal sectors.

By committing to Agenda 2030 of Leaving No One Behind, Pakistan's national agenda seeks to address inequality in all its forms, and ensure rights are protected. The UN echoes and supports the same values, and holds this as the foundation for achieving Sustainable Development Goals that promise equal rights for all Pakistanis.

Protection and Empowerment for All

“ The government has moved towards a rights-based approach in all legislative efforts where the aim is to protect and uphold human rights, and mainstream those who have been kept at the margins for a very long time. ”



By

Dr. Shireen M. Mazari

Federal Minister for
Human Rights

Debate on Socio-Economic Equality

For any country to prosper socio-economic equality is key. The Pakistan Tehreek-e-Insaf (PTI) government is cognizant of this fact and has been striving to remove the bridge between the poor and the rich. With the record expansion of social safety nets, and several initiatives of the government under the Ehsaas program, the government is committed towards bridging this gap. In addition to these welfare programs, the government has also published its first National Action Plan on Business and Human Rights, which is aimed at fulfilling Pakistan's commitment to protect employees against adverse human rights impacts resulting from business activity, promoting equal opportunity for all citizens to live their lives with dignity.

In order to support all these endeavours, supporting mechanisms are required. These come in the form of culture, norms and institutions. Therefore, there is a need to change the mindset of the masses and the Ministry of Human Rights is actively carrying out various awareness raising campaigns to create awareness and educate the masses.

Human Rights in the Digital Age

The digital age that we now live in has transformed our concept of conventional human rights. These rights are no longer restricted to the physical realm, but now extend to cyberspace as well. Online harassment, cyber bullying, and online child pornography are on the rise, and digital privacy is under attack. The government and our legal institutions are striving to catch up with the implications of this exponential growth in technology. However, the job of the government is tough because it is faced with a mammoth task of balancing rights like dignity and freedom of expression and opinion on one hand, and preventing the spread of hate speech, ethnically and racially charged content, fake news, and misinformation on the other. We have tried our best to implement laws and rules that balance these rights. I also believe that a robust data protection law must be introduced and implemented. The Ministry of Human Rights has already shared a draft law with the Ministry of Information and Technology, and they are in the process of finalizing the bill.

“ Every stakeholder is crucial and will play an integral role in protecting and upholding human rights. Only if we work collectively can we accomplish this task. ”



Inclusive Rights: Gender, Wildlife, Minority, and Marginalized Groups

The government has moved towards a rights-based approach in all legislative efforts where the aim is to protect and uphold human rights, and mainstream those who have been kept at the margins for a very long time. The intersection of rights today means that we work towards an inclusive rights-based approach where the marginalized, the minorities, and the differently abled are all protected, and in all this, we must not forget our planet earth and the rising issue of climate change. We recently passed the ICT Rights of Persons with Disability Act, 2020. Under the Act, the government will endeavour to make all public places accessible to special persons, create employment for persons with disability, and ensure that children with disabilities are brought into the mainstream and provided quality education.

It is also important to understand that while the government is indeed actively working towards promoting and protecting human rights in the country, change cannot come overnight. Every stakeholder is crucial and will play an integral role in protecting and upholding human rights. Only if we work collectively can we accomplish this task.



Emergency Cash Programme

Launched April 1, 2020	Budget PKR 203 billion
Reached 15+ million families	Distributed PKR 12,000 per family

“

Mob justice prevails in a system where there is no fear of accountability of violence or brutality.

”



Making Law Matter

“ Disregard for the processes of law and the frustrations felt by 140 million youth facing unemployment, and disparity in education and economy, makes for a lethal combination. ”



By

Rabiya Javeri Agha

Chairperson

National Commission for Human Rights

She waved goodbye to Priyanth at Colombo Airport. Amidst the noise of busy travelers, the kids hugged their dad tightly, shouted goodbyes and promised to study. In anticipation of his joyous return, Nilushi Kumara could not imagine, in her wildest dreams, how she would receive her husband again - a cold wooden box and horrid recollections of the brutal media coverage of Priyanth's last moments in Sialkot.

Priyanth's death changed Nilushi Kumara's life forever. Priyanth's death changed the life of so many people forever - the maddened youth that stirred the boiling pot of extremism, the mothers horrified by the bestial outrage they saw their sons commit, and the people of Pakistan struggling to find peace and harmony in a country radicalized and weaponized beyond recognition.

The awful event of Dec 3rd was not simply about religion. It is about violence and the defiance of law. It was about our growing social and cultural acceptance of violence as a normal method for resolving conflict and dissent. It is about a flagrant disregard for the processes of law and justice and accountability.

Cultural and social norms are rules or expectations of behaviour within a specific cultural or social group. Often unspoken, these norms offer social standards of appropriate and inappropriate behaviour, governing what is (and is not) acceptable in coordinating our interactions with others. While social norms can protect against violence, they can also support and encourage the use of it.

Social tolerance of violent behaviour is learned in early childhood through various parental forms of rearing. It is expressed through the use of corporal punishment at schools, witnessing violence at home and seeing brutality in the media or in one's surroundings. Children who have experienced cruelty are more likely to perpetuate the circle of viciousness, passing on patterns of violence to their future generations.

In Pakistan, violence against children has consistently increased over the last few years. It is estimated that more than eight children are subjected to sexual abuse every day. An estimated 1,489 cases of child abuse were reported between January and June 2020 from all four provinces.¹ Statistics show

1. Sahil (2020), "Cruel Numbers 2020." Read more at <http://sahil.org/cruel-numbers/>



“ Pakistan’s process of judicial review is painstakingly lengthy and expensive. ”

that of the total number of cases, 53 percent of the victims were girls and 47 percent were boys. This is not surprising considering that female children are considered to have less economic and social value within the family and society at large.

In the same way, social or cultural norms that affirm a man’s superior right to assert power, discipline or restrict a woman’s freedom of movement, in turn, perpetuate a culture of control and dominance, of power and subjugation. In 2020, Aurat Foundation reported that 624 women, including 302 from Punjab and 113 from Sindh, were victims of ‘murder, suicide and honour killing.’² These figures, however, do not reflect all cases of gender based violence (GBV), as many cases are either unreported, or classified as accidents and shelved.

In socio-cultural norms, when a man’s honour is linked to a woman’s sexual behaviour, and where deviations are perceived of as a disgrace to the family, honour killings and acid burns are a bitter consequence.

Compound this propensity to use violence with two combusive elements; disregard for the processes of law and the frustrations felt by 140 million youth (64 percent of Pakistan’s population) facing unemployment, and disparity in education and economy. The combination is lethal.

Pakistan’s process of judicial review is painstakingly lengthy

and expensive. According to the Law and Justice Commission of Pakistan; “Delays invariably occur in the disposal of civil and criminal cases and it is normal for an ordinary civil suit to linger on for as long as two decades, and on the completion of the trial, perhaps another half a decade is required to ensure the execution of decree. In criminal cases the situation is quite dismal. Unusual delays occur in the disposal of cases by the courts. An example of unusual delays is manifested by the fact that, according to a rough figure, currently, more than 2/3rd of the jail inmates comprise of under-trial prisoners. Such phenomenon erodes people’s trust and confidence in the administration of justice.”³

Delays in the settlement of civil and criminal disputes, leads to obvious frustration amongst litigants. When reliability against a system of expeditious and transparent legal recourse is questioned, people inevitably take the law into their own hands. Witnessing acts of violence - from behaviour within parliament to that at the grass root level - people are emboldened to follow the same vicious pattern of conflict resolution.

Mob justice prevails in a system where there is no fear of accountability of violence or brutality. Mob justice is a phenomenon found in many parts of the world. In Pakistan, we have seen an unprecedented rise in mob justice over the last few years. Severe infrastructure shortages and confusion in direct line of command have diluted the efficacy of law enforcement

2. Dr. Rakhshinda Perveen, “Violence against Women & Girls in the Times of Covid-19 Pandemic” (Aurat Publication and Information Service Foundation and South Asian Partnership-Pakistan, 2021), p. 5. Available at <https://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/VAWG%20Report%202020.pdf>
3. Law & Justice Commission of Pakistan, Criminal Justice System. Read more at <http://www.commonlii.org/pk/other/PKLJC/reports/22.html>



“ It is paramount that we encourage the meaningful engagement of youth, reinforcing positive attitudes of tolerance and co-existence. ”

agencies. Misinterpretation of laws, ignorance and rising intolerance has worked to transform people into both judges and executioners. From two mob occurrences in 2020, there have been, to date, five mob attacks this year. The fact that young people are increasingly resorting to brutality in the face of some bizarre sense of justice and propriety, is deeply troubling.

The UNDP Human Development Index Report 2020 indicates that 29 percent of the youth in Pakistan is illiterate, while only six percent have more than 12 years of education. While four million youngsters enter the working age population, only 39 percent get employed every year. The most alarming situation is that almost half of the country's young are not in education, employment or training. Lack of education, economic disparities, the slow decline of the soft arts - music, painting, and film - have worked to encourage militancy and a hard lined approach to life. Hand holding and hugs are banned on national television. And, when TV shows roll in the bucks through their portrayal of family sagas where wives are beaten and mother in laws exist to torment subservient daughters in law, things are sadly amiss.

Media has a strong influence on the way that young adults behave and can work to dissipate the social pressures that equate male power and status with violence. By raising awareness of violence and reinforcing shared norms support-

ive of non-violent behaviour, television can encourage the role of young adults as allies or protectors of women and vulnerable groups.

It is important that government and civil society supported sensitization programs work together to change perceptions of social and cultural norms, and to attach social stigma to unwanted behaviours. It is paramount that we encourage the meaningful engagement of youth, reinforcing positive attitudes of tolerance and co-existence.

Finally, the law must reign supreme. Whether a new national law is required to define lynching or make mob violence non-bailable; whether we need to criminalize the failure of duty by police officers or designate special judges or fast track courts for the trial of mob vengeance, the fact remains that some serious interventions need to take place.

Priyanth's violent death is a scar on Pakistan's history. It is also a wakeup call for positive interventions in addressing social-cultural norms regarding violence. Priyanth's death is the alarm that needs to herald in legal reform and societal change. If the right strategies, policies are not put in place to meaningfully engage the youth, to deliver quality education and secure future livelihoods, the biggest workforce we have will be a ticking bomb ready to explode against anyone... at any time.

“

Only by disclosing brutalizing legacies of colonial statecraft and ruthless logics of capital accumulation can we meaningfully set the stage for a political and intellectual alternative to the dominant order.

”



© The Relief of Lucknow by Thomas Jones Barker

The Political Economy of Rights

“ To fully explicate the political economy of 'rights', is to interrogate whether the political-economic-cultural project of decolonization ever came to fruition. ”



By

Aasim Sajjad Akhtar

Political Activist

Associate Professor, Political Economy, Quaid-e-Azam University

The notion that every human being has inalienable freedoms and entitlements – or what we now widely call ‘rights’ – is one of the foundational pillars of the modern world order. In principle, that is. In actual fact, the majority of people around the world are deprived of even basic needs like adequate nutrition, drinking water, housing, sanitation, education and health. Gravely, some are even unable to take for granted the right to life itself.

An overwhelming percentage of this mass of humans for whom ‘rights’ exist only in name reside in the formerly colonized regions of South Asia, Africa and Latin America. To fully explicate the political economy of ‘rights’, then, is to interrogate whether the political-economic-cultural project of decolonization ever came to fruition.

The short answer is no. With very few exceptions, most postcolonial societies – Pakistan included – are still beset by class, gender, ethnic, religious and other divides, while the global political economy remains heavily skewed in favour of western countries, and multinational capital more generally. The international financial institutions (IFIs) for the most part, reinforce these domestic and global political economies by compelling nominally sovereign governments in countries like Pakistan, to enact what have come to be known as neoliberal policies, by weaponizing debt.

It is not as if the legacies of colonialism

and the imperative of an alternative political-economic project to undertake meaningful decolonization have always been underspecified in the political and intellectual mainstream. As late as 1977, the G77 within the United Nations – a coherent grouping of former Asian, African and Latin American colonized countries – lobbied for the establishment of a New International Economic Order (NIEO), based on the overhaul of political-economic structures inherited from the colonial period, both within individual nation-states, and with respect to the global political economy more generally.

The principle behind these efforts was simple: that the ‘rights’ of the mass of the world’s people can only be meaningfully guaranteed by redressal of structural imbalances in the domestic and global division of labour, property, and trade flows. In the absence of substantive overhaul of political-economic structures, a great deal of rhetoric about ‘rights’ can easily persist alongside a material reality in which such rights are actually conspicuous by their absence.

This contradiction between rhetoric and reality has indeed been one of the predominant features of the era of neoliberal globalisation. Since the 1990s, IFIs, the UN system, western and non-western governments, as well as what has come to be known as the ‘international development’ community more broadly, have all dedicated significant time, energy, and resources to the mainstreaming of human – and



many more specific – rights, especially in the non-western, postcolonial regions of the world. I do not want to suggest that these efforts have borne no fruit, but it is certainly not possible to claim, well into the third decade of the 21st century, that the majority of populations in the postcolonial world enjoy rights about which global and domestic policymakers have time and again asserted as non-negotiable.

In fact, in countries like Pakistan, basic civil liberties remain a pipe dream for most of the country’s 230 million people. Everyday excesses of power at the local level – the proverbial thana, katcheri and patwari – are commonplace, while even more serious crimes against humanity, such as enforced disappearances, are also a fact of social and political life. More generally, more than 25 million children remain out of school, maternal and child mortality rates remain inexcusably high, a large number of the country’s 150 million young people face alarmingly high unemployment rates, and a host of other social and developmental indicators paint a grim picture.

The Pakistan National Human Development Report entitled “The three Ps of inequality: Power, People, and Policy”, made clear that Pakistan is one of the most inegalitarian societies in the world, with real estate moguls, sugar and other ‘mafias’ engaged in systematic rent seeking practices. Perhaps more damningly, this report places state institutions themselves – the military foremost amongst them – at the apex of this elitist structure. Pakistan’s ruling class is also symbiotically connected to global financiers and investors seeking free entry and exit of ‘hot’ capital – colonial extraction writ large.

The global and Pakistan’s domestic political economy are certainly not static and there are some ‘novel’ elements that must be accounted for if one is committed to redressing the systematic deprivation of ‘rights’ of a large segment of Pakistani society. One is the rapidly growing influence of China on Pakistan’s economy and polity. Over the past two decades, Chinese goods have flooded Pakistani markets, Chinese investment in mega development projects has increased manifold, and Beijing has evinced ever closer ties to the military establishment and the Pakistani ruling class more broadly. None of these developments, however, have necessarily improved access of long-suffering segments of Pakistan’s population to basic material and political freedoms.

Another factor that must now be given centrality in consideration of the ‘political economy of rights’ is the ecological question. Pakistan is one of the world’s most vulnerable countries to global warming and climate change more generally. The prospect of present and future generations of Pakistanis being subjected to even more suffering in the face of glacier melts, depleting stocks of water and entire parts of the country that become uninhabitable due to rising temperatures is simply, a potentially bigger human rights issue than any other that we currently confront.

All told, only by disclosing brutalizing legacies of colonial statecraft and ruthless logics of capital accumulation, can we meaningfully set the stage for a political and intellectual alternative to the dominant order. Rhetoric about rights will become increasingly hollow if the political economy underpinnings of this dominant order remain obfuscated.

“ Most postcolonial societies – Pakistan included – are still beset by class, gender, ethnic, religious and other divides, while the global political economy remains heavily skewed in favour of western countries, and multinational capital more generally. ”



تحفہ برائے
وزیر اعلیٰ پنجاب
عثمان بزدار صاحب

8 MARCH



عورت مارچ

“ Aurat March is the product of its changing times and realities of women. ”

Women Marching Ahead

“ The Aurat March has raised questions about representation, sustainability, and the impact of this movement on the lives of the ordinary women in Pakistan. ”



By
Dr. Farzana Bari
Human Rights Activist

Recent years have seen the assertive claim of feminism by younger women's rights activists, a phenomenon which was missing in earlier women's movements in Pakistan. Young women organizing the Aurat March with proclaimed feminist identities on International Women's Day (IWD), has given rise to a public controversy that further sharpened the divide between the religio-conservative and the progressive/secular forces in the country. The Aurat March has also raised questions about how this current movement is different from, and builds upon previous women's movements in the country, as well as questions about representation, sustainability, and the impact of this movement on the lives of the ordinary women in Pakistan.

It is important to understand why Aurat March on IWD creates such an anxiety to the patriarchal forces in the country NOW, when its commemoration has been rather peaceful all these years. What is so different in this movement that warrants such a violent backlash, from blatant criticism to legal action against the organizers. The difference, is greater focus on the private patriarchy.

For the last three years, the reaction to Aurat March is getting stronger and stronger in every passing year. It started with heated debates in the media on the content of placards carried by the participants in the Aurat March, 2019. The following year, systematic abuses and threats were hurled to women and stones were pelted on the March. The most lethal instrument of blasphemy was used, and First Information Reports (FIRs) were registered against the organizers of Aurat March, 2021.

While the new feminist movement builds on the old women's rights movement, what differentiates it from the earlier women's rights movement in the country

is its greater focus on the private patriarchy. The older generation of women's rights activists primarily fought for equal legal, political and economic rights. The movement engaged with successive governments and demanded their rights within the liberal democratic framework (with the exception of women in the left movement). The relationship of women's movements since independence remained a relationship of cooperation with the state except during the decade of 1980s. The conflict with the state emerged with the military dictatorship of Zia-ul-Haq that started introducing discriminatory legislations against women as part of the Islamization project. Various women's rights groups formed an umbrella organization by the name of Women Action Forum, and started to resist the anti-women agenda of Zia-ul-Haq. In post Zia era, women's rights groups returned to their cooperative relationship with the state and started working for women's rights within the development paradigm that was more useful at that time. The time, age and the context shaped the collective consciousness, priorities and agenda of women's movements in Pakistan.

For the younger generation of women, gains made in the earlier movements have enabled them to take on carved paths. Two key challenges that confront women's movements today are, (i) How to hold the state accountable to deliver on the legal social, economic and political entitlements, and (ii) How to challenge social norms that encourage patriarchy as a natural construct.

The young feminists make a connection between the public patriarchy of the state and the private patriarchy of homes. They put the spotlight on everyday forms of oppression and call out the interconnectedness of public



“ Time, age and context have shaped the collective consciousness, priorities and agenda of women's movements in Pakistan. ”

and private patriarchy. Aurat Marchers ridicule gender norms and expectations that have been naturalized and normalized in our thinking, in our interpersonal relationships, within the family and the society. The placards carried by marchers, *apna khana khud ghar kar lo* (heat up your own food) *apna moza khud dhund lo* etc. challenge the men's privilege to have access to free domestic labour of women within homes that shocked and confused many. Similarly, with the slogans such as '*mera jism meri marzi*' (my body, my right) and "I am happily divorced", women are claiming their bodies and at the same time, challenging men's ownership of women and control over their sexuality. This directly hits the 'natural' privilege and fragile masculinity of men. New demands for personal rights are now gaining ground in women's movements. The politics of women's rights today is blurring gender identities and transforming the boundary of gender roles. Aurat March in its true sense, is 'marching ahead' in marking the 'personal is political'.

Aurat March is also the product of its changing times and realities of women. Urban educated women are transcending the public-private, productive-

reproductive divide. They are excelling in every field. In higher education, there is no gender gap in Pakistan. Women are entering in large numbers in the formal and informal sector of the economy, and there is tremendous increase in women's political participation as voters, candidates and public representatives. There are more and more women entering civil service. Fertility rate has gone down, and more and more women are speaking out about their experiences of sexual harassment and challenging gender-based violence by exiting violent relationships. These are women who are juggling with multiple roles, responsibilities, and expectations. Their lives' realities are shaping their feminist consciousness. They are expressing their rage against gender norms and traditions that continue to treat them as men's dependents, and second-class citizens.

The March is also encouraging alliance ship. There is no leader or hierarchy in the movement. Intersectional approach gives space to identity politics. Marginalized groups at the periphery are free to join in, voice their own concerns and demand their rights the way they want. There is no gatekeeping or policing by the organizers.

Aurat March is conceived and organized by a tech-savvy generation of feminists. They have the technical skills and ability to run the most organized online campaigns around women's issues. Through the social media, they connect to a much larger group of allies. In the cyber space, the battle against the misogynist mindset is fought well by the young feminists.

However, the issue of sustainability of this new feminist voluntary movement is often raised. Aurat march is an event-based movement. It does not have an ideology that guides the change. It is not a mass movement. It lacks popular base amongst working classes, in rural or in peripheral urban areas. This limits its prospects of its success to achieve its charter of demands. There is an urgent need for young feminists to connect themselves with on-going social movements in the country that are anti-capitalist and anti-patriarchal. Without the radical transformation of our economy, gender relations, our psychic and symbolic worlds, women's liberation and gender equality, will remain a distant dream.

A black and white close-up portrait of Mukhtara Mai. She is wearing a dark-colored headscarf with a white floral pattern. Her face is partially visible, showing her eyes, nose, and lips. She has a serious and determined expression. The background is dark and out of focus.

Mukhtara Mai
is a Pakistani human rights activist known for her activism after surviving an honour gang-rape sanctioned by a local tribal council in 2002. She is an outspoken advocate for women's rights in Pakistan and elsewhere.



ENDING VIOLENCE AGAINST
WOMEN
AND GIRLS ALLIANCE
PAKISTAN

**GIRLS JUST
WOMENNA HAVE
Fundamental Rights**

“

Upon being born, a girl is ‘boxed’ by the family, as per societal expectations. This box is not equipped with consent, choice, control, and/or rights mechanisms.

”

Right to Life

A Women's Prerogative

“ A social transformation, involving all stakeholders and at every level, is required to create a narrative that treats women as equal living beings. ”



By

Fauzia Yazdani

Social and Public Policy
Advisor

The activism on women's rights has largely been around raising awareness and demand from national governments to ensure access and protection. The demand for rights tops with right to life and equality, including right to consent and control of their life, from bodily autonomy to economic opportunities and political representation; right to live without fear of violence and discrimination at public and private spaces; and, right to access education and health services (including mental and reproductive health). Yet, girl child marriages continue to take place, as well as sexual and physical abuse, and trafficking into sex, and domestic slavery. In conflicts, rape and Gender Based Violence (GBV) becomes an instrument of atrocity. The situation is no different in Pakistan.

Right to life and control of life is intrinsic to the debate on women rights. Yet, any utterance regarding the same, stirs a commotion at individual, family, and societal level. Pakistan globally stands at 153/156 in terms of gender equality.¹ According to The Health and Survival Global index, Pakistan ranks at 153 in the status of health care for women. The State, despite having constitutional obligation², affirmative legislation and international commitments³, stumbles on intent to ensure provision of rights to 49 percent of its population that comprises of women, adolescents and

girls.

Socially, parents are the care givers and recognized decision makers for the majority of women. The patriarchal mindset, strengthened by archaic socio-customary practices, curate a narrative that reduces women to a feeble being; and thereby, entrusts control of her life to male members of her family. Society validates such practices by pegging it under the socio-cultural construct of the family unit; and religion legitimizes it as a responsibility and honour.

These 'objects' of honour are bartered as peace collateral in reconciliation of intergenerational family/clan feuds⁴ by giving them in marriage, irrespective of their age, that includes a yet to be born girl as well. She is exchanged in marriage, even as a child, to either fetch a match for brother or father, or for bride money. Honour also gets synonymized with being chaste. In all cases, she is treated more like a familial possession rather than a living being. And from a woman's perspective, she is in an infinity loop of chanting: we are humans with a voice, choice, and right - let us live.

Gender Based Violence and Child Marriage

The Constitution of Pakistan guarantees fundamental rights to all the citizens

1. The Global Gender Gap Report 2021. Available at https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

2. Articles 25(3) , 26(2) & 34 allow the state to make special provisions for the protection of women and children. Read further at <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

3. CEDAW, B+25, CRC, ICPD and Sustainable Development Goals (SDG) - Goal 5, seeks nations to eliminate child, early and forced marriages by 2030.

4. Reconciliatory marriage practice includes Swara, Vani, Badal- Suleh, Ghagg, pait-likhi, etc which is prevalent more in KP & Sindh. Underage religious conversions are also resulting in forced marriages.



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sans any discrimination based on caste, creed or gender. Article 9 of the Constitution guarantees the right to life which has been interpreted by courts to include the right to health.⁵ Child Marriage (CM) and GBV are critical to the right to life debate that intersects gender equality, women empowerment, and child rights discourse. CM, in Pakistan, under the age of 15 years stands at three percent, and 18 percent for under 18 years.⁶ CM has intergenerational impact on the lives and life cycle of the girl child, adolescent, and women. CM and marriage without consent is equated with a life sentence as per Jamia Al Azhar,⁷ but is still a social evil by the Council of Islamic Ideology (CII) that does not need legislation.⁸ The national legal framework, spread in three major laws,⁹ is inconsistent in defining age of a child. The Child Rights Convention defines any persons under the age of 18 years as a child. Whereas, in Pakistan, the legal marriageable age for girls is set at 16 years as against 18 years for boys.¹⁰

How can any right be claimed without agency to claim right to her own life? CM increases the risk of child and maternal mortality, pregnancy related complica-

tions, and health disabilities. CM snatches the right to be a child because socially and legally, once married, irrespective of age, a girl is taken as a woman. Her over-night transition from a girl child to womanhood still does not entitle her to claim right to her life or control to take linked decisions. This control mechanism is passed with her from males in her natal home (Fathers/brothers), to her marital home (Husband). Hence, marital age can act as barrier to CM and claim a woman's right to life.

Child Marriage and the Right to Life

Teen and repeated pregnancies are intrinsic to CM, thereby, constituting threat to life to an adolescent/woman, as well as to children born to her. In Pakistan, eight percent of adolescent girls (aged 15-19) start child bearing.¹¹ They have 1.5 times more children. For those married before the age of 18, the mean number of children stands at 6.1, as against 4.5 for those married after the age of 18. The Pregnancy Related Mortality Ratio (PRMR) for Pakistan is 251/1000.¹² Overall pregnancy related female deaths are 17 percent.¹³ 92

“ Child Marriage and gender based violence are critical to the right to life debate that intersects gender equality, women empowerment, and child rights discourse. ”

5. Article 9: Security of person. No person shall be deprived of life or liberty save in accordance with law. Shehla Zia v. WAPDA, 1994 PLD SC 693 – As referenced at footnote 3 in article. "Impact on COVID in Sexual and reproductive health & Rights in Sindh." Available at <https://reproductiverights.org/wp-content/uploads/2020/12/Impact-of-Covid-19-on-Sexual-and-Reproductive-Health-and-Rights-in-Sindh.pdf>

6. Child Marriage (CM) globally and in Pakistan is measured at two age levels i.e. 15 years and 18 years. The Pakistan Demography and Health Survey (PDHS) 2017-2018 informs that in Pakistan 3.3% girls get married under the age of 15 years; and 18.3% girls get married under the age of 18 years.

7. The religious explanation/position was elaborated in 2017 by Jamia Al-Azhar and the National Council of Women in Cairo launched the campaign to promote the role of women In Egypt in particular and the Muslim world in general.

8. Council of Islamic Ideology, Press Release 2019

9. National legal frameworks defining age of child are (i)The Majority Act 1875 (fixing age of majority at 18 years); (ii) The Guardianship & Wards Act 1890 (which provides for legal guardians for children under 18 years); (iii) The Child Marriage Restraint Act (CMRA) of 1929, that sets marriageable age for girls at 16 years except in the province of Sindh where it has been increased to 18 years for both boys & girls.

10. The Child Marriage Restraint Act (CMRA) of 1929

11. National Institute of Population Studies (NIPS) [Pakistan] and ICF (2019) "Pakistan Demographic and Health Survey 2017-18." Islamabad, Pakistan, and Rockville, Maryland, USA: NIPS and ICF. Available at <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

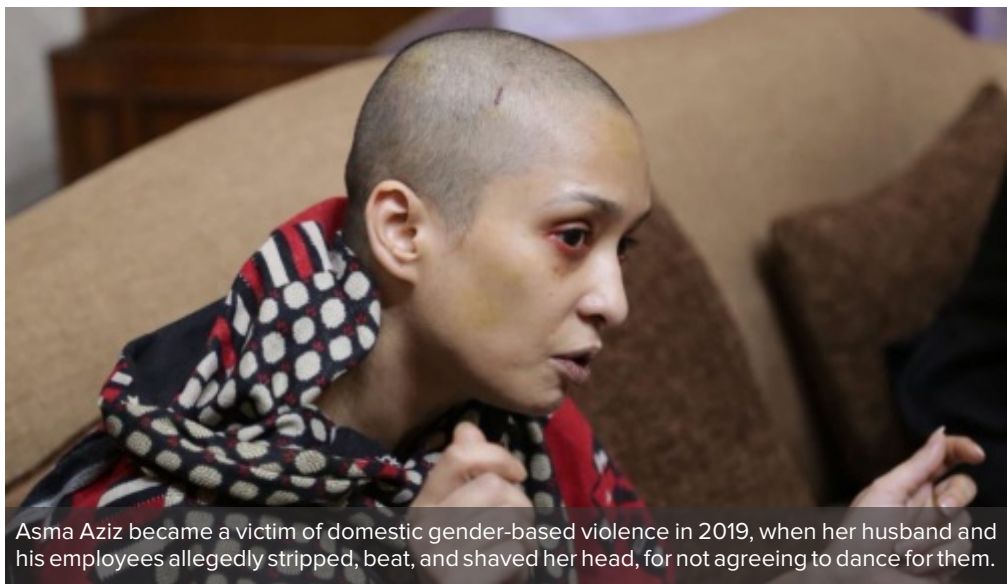
12. Ibid, Table 3.10, page 20.

13. Ibid

“ In all cases, a woman is treated more like a familial possession rather than a living being. ”

percent women, married before the age of 20, reported having one or more complications during pregnancy. Fistula¹⁴ is a leading complication of teen pregnancies along with obstructive labour, and obstetric hemorrhage,¹⁵ that led to 41 percent maternal deaths in 2019. Children born to adolescent mothers also have a higher risk of premature birth, death, wasting, stunting and lifelong nutritional deficiencies. The under-five mortality rate of Pakistan stands at 137/1000, which is among the highest in the world. Nationally, 46 percent children born to under 18 mothers were stunted, 8.4 percent wasted and, 29 percent underweight.¹⁶ Only 24 percent married adolescent girls (15-19 years) could participate in decision making regarding their reproductive health, family size and/or family planning.¹⁷ 15 percent married adolescent girls indicate age-based disadvantages to benefit from any FP messaging.¹⁸ Whereas, 90 percent did not discuss their FP needs or issues either at a health facility or with a Lady Health Worker (LHW).¹⁹ Our health services neither inform nor cater to adolescent reproductive health, which is costing them their lives.

GBV is another issue that costs women their lives in Pakistan. GBV (physical, emotional and sexual) is common at natal and marital homes, and gets pronounced in cases of CM.²⁰ Even though it may cost a woman her life, the society places a moratorium on women to talk about emotional and sexual violence, be in marriage and/or at the natal home; and links it to her and family honour. The 'honour' chip is also used to deny her education, inheritance, mobility and life-based opportunities. 32 percent adolescent girls (aged 15-19) reported to have been subjected to violence since the age of 15²¹; and five percent during pregnancy as well.²² Nationally, 80 percent women report of violence from the husband which is 31 percent for adolescents. Resultantly, 53 percent adolescents internalize and justify spousal violence.²³ The PDHS 2017-18 informs that education insulates



Asma Aziz became a victim of domestic gender-based violence in 2019, when her husband and his employees allegedly stripped, beat, and shaved her head, for not agreeing to dance for them.

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from CM and reduces justification of GBV; increases women's participation in decision making; and, results in declined infant, child, and under-five mortality rates.

The Need for Transformation

Upon being born, a girl is 'boxed' by the family, as per societal expectations. The box is not equipped with consent, choice, control and/or rights mechanisms. Thus, rendering them an object in transition at the natal home for a marital home as a final destination. This also results in the perpetual and vicious circle of discrimination and vulnerabilities, in which health deficiencies are passed on from mother to girl child. Parents, and society at large, perceives CM as safeguarding of a girl's chastity and future, rather than limiting her socio-economic development and denial of right to life which is a negative coping mechanism. A social transformation, involving all stakeholders and at every level, is required to create a narrative that treats women as equal living beings. State, as a guardian of fundamental rights, must ensure implementation of its legislative frameworks to ensure that women and children have equal and equitable right to life.

“ The 'honour' chip is used to deny women an education, inheritance, mobility and life-based opportunities. ”



14. PSA (2020), page 145: obstetric fistula is caused by prolonged obstetric labor not attended by timely obstetric care provider. It causes constant & uncontrollable leaking of urine or feces.
 15. The Population Situation Analysis 2020
 16. Supra 11
 17. Ibid, Table 15.10.1
 18. Ibid, table 7.18.1
 19. Ibid, table 7.19
 20. Ibid, table 16.1
 21. ibid
 22. Ibid, table 16.2
 23. Ibid, table 15.11.1

Gender Equality in Times of COVID-19

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on gender based violence, and details actionable recommendations and a way forward for human rights approaches in Pakistan.



Natural disasters and public health emergencies like COVID-19 augment existing multifaceted gender inequalities and have disproportionate effects on women, girls, and other minority groups

Increase in gender-based violence during the lockdown



Calls about domestic violence to the Karachi 15 Madadgar helpline increased from 877 calls in January 2020 to 948 calls in March 2020

In Khyber Pakhtunkhwa, police have recorded 399 cases of female killings during March 2020 alone

Confinement of women at home with the abusers may inhibit reporting

The Punjab Rescue 1122 helpline recorded 144 cases of violence against women between 21st and 31st March

Analysis of reports from the Regional Office of Human Rights in Quetta also indicates an increase in domestic violence from January to March 2020 as compared to the same period in 2019

Recommendations & Way Forward



Issue special notifications that exempt support services for GBV victims from any state issued guidelines on halting of routine work activities during a crisis, and declare them part of essential services



Utilize the country's 90,000 strong Lady Health Worker (LHW) force to sensitize communities on GBV and deliver essential information on GBV related available services as part of their routine visits



The Supreme Court has announced an intention to set up 116 GBV courts, which can be made more accessible through innovative service delivery channels



Work with civil society partners to conduct regular studies and assessments on the differential impacts of COVID-19 on women from historically marginalized groups, and use findings to inform, adjust and reprioritize policy focus



Develop a contingency plan containing operations and communications SOPs to ensure continuation of GBV support services during a crisis period



Explore the provision of mobile GBV service delivery



Adoption of remote/technology-based support services like the Punjab Police's Women Safety App by all provinces



Ensure all state-owned shelters and Dar ul Aman for GBV victims are open (for walk-in clients and not just for court referrals)



Deliver a clear and targeted public communication and awareness campaign on GBV and mobilize civil society platforms for sensitization of communities in rural and peri-urban areas, particularly influential male religious leaders to protect rights of women during the pandemic

JUSTICE



FOR NOOR





“
In the last 70 years, the road to media freedom has been bumpy. Nevertheless, the media has continued to struggle with unflinching resolve to safeguard its space secured with sacrifices.
”

Fettered Voices

“ In a country where more than 100 channels and dozens of newspapers exist, social media is blooming, millions of YouTube viewers are counting, but media freedom is still glooming. ”



By

Asma Shirazi

Journalist

From censorship to self-censorship, control, and regulation, Pakistan has a history of systematic restrictions on freedom of expression, as earlier as the Quaid-e-Azam's speech on 11th August 1947 made in front of the Constituent Assembly. The speech articulated his ideology of Pakistan as a homeland where “state and religion” were thought to be “two separate things”. Parts of his speech were widely censored in media while its audio records are missing from the archives of Radio Pakistan.

The practice to control and contain media voices continued for decades when military dictators like Gen Ayub Khan, Gen Yahya Khan and Gen Muhammad Ziaul Haq pounded on to project selective truth in their favor. General Pervez Musharraf is thought to be the man who gave space to the private media spectrum in Pakistan. However, it was a designed move under compulsion. The man, who overthrew an elected government 20 years ago, abrogated the constitution and proclaimed a state of emergency, realized after the Kargil war, that the country needs a private media to deal with the international media's growing space and influence in Pakistan. But private media became General Musharraf's biggest problem. In 2007, he triggered a war with the media and imposed a second emergency in Pakistan during his strife with the judiciary. Screens of several private news channels went blank, and five anchorpersons, including myself, were

banned. This assault continued for four months and ultimately, the bar was removed after general elections in February 2008.

In the last 70 years, Pakistan's road to media freedom has been bumpy owing to authoritarianism, state pressures, weak political setups, religious extremism, terrorism and corporate monopolies. Nevertheless, the media has continued to struggle with unflinching resolve to safeguard its space secured with sacrifices.

The present-day fifth generation warfare poses as the media's new challenge, with armies of trolls and human bots aligned to deal with perception threats and critical voices of civil society. Obnoxious trends are launched and fired up by sponsored and supportive social media cells, to target journalists and critical voices, and label them as “sold souls, paid journalists and traitors”.

Gender biases also limit freedom for women journalists. Criticize a government's policy and face barrage of online abuse and fake propaganda is the most popular trend these days. The Coalition for Women in Journalism issued a joint statement on 21st August 2021, which states: “Vicious attacks through social media are being directed at women journalists and commentators in Pakistan, making it incredibly difficult for us to carry out our professional duties. The online attacks are instigated by government officials and then amplified



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“ Freedom of expression in Pakistan will remain a dream as long as efforts to control the media continue in one form or another. ”

by a large number of Twitter accounts, which declare their affiliation to the ruling party.”

The basis for the current controls on the media was prepared well before the 2018 general elections, when the Prevention of Electronic Crimes Act (PECA) Law was passed by the parliament in 2016. Apparently, this law was introduced to safeguard national security from sophisticated online threats and cybercrime. Under this law, any criticism of government, state, religion, courts and military forces is deemed to be an offence punishable with hefty fines and imprisonment. Digital forensic and electronic evidences were made actionable for lawful investigations. Gradually, this law emerged as a tool to pressurize journalists and critical voices on social media, who were perceived as being out of official line.

Regretfully, PECA has become a tool of controlling media practitioners. On 30th July 2021, Additional Attorney General told Islamabad High Court, that the Federal Investigation Agency has received 30 complaints against journalists under this law. Chief Justice

Ather Minallah remarked, “PECA law is being used to target journalists over their criticism of the government - journalists are being summoned to FIA offices and are being pressurized to disclose their sources.”

While journalists are struggling with the dilemma of the PECA law, the government has launched a new proposal of establishing the Pakistan Media Development Authority. This proposed authority seeks to enhance government control over social media, print media and electronic media, through one powerful authority, while all previous authorities will stand abolished. The government’s position is to tax and regulate the social media industry, while journalist bodies contest this position, in the fearing it may extend the ban on journalists from mainstream media to social media as well.

The proposed authority will also curtail the menace of ‘fake news’. The question is: who will decide what is ‘fake news’? All journalist bodies and media organizations have already rejected the proposed PMDA, seeing it as an attempt to control media and sabotage freedom of expression. The Pakistan Electronic



© AP/Fareed Khan



“ Gender biases also limit freedom for women journalists. ”

Media Regulatory Authority (PEMRA) is already being used as a regulatory tool by the government. News channels regularly receive PEMRA notices to curtail content deemed unpalatable.

The recent law passed by the Parliament -- Protection of Journalists and Media Professionals Act, 2021 -- has fared better because of inputs solicited from the journalist bodies of Pakistan. However, a minor amendment to this law has also stirred a debate. Clause 6, sub clause 1 of the law states: "All journalists and media professionals must respect the rights or reputations of others and not produce material that advocates national, racial, ethnic, religious, sectarian, linguistic, cultural or gender-based hatred, which may constitute incitement to discrimination, hostility or violence". Sub clause 2 states: "All journalists and media professionals must not engage in the dissemination of material known by such an individual to be false or untrue." The new insertion of sub clause 3 is alarming: "The journalists who fail to fulfill obligations in subsection (1) and (2) will be tried in accordance with the relevant laws". This clause again creates an unnecessary space for intimidation and harassment of journalists, where they can be questioned on exercising their right to free expression.

Freedom of expression in Pakistan will remain a dream as long as efforts to control the media continue in one form or another. Fifth-generation warfare has posed new challenges for media practitioners, who are sailing through it with unwavering resolution to protect their rights and space. Journalists of Pakistan hope that someday the powers that be realize that journalism is not a crime.

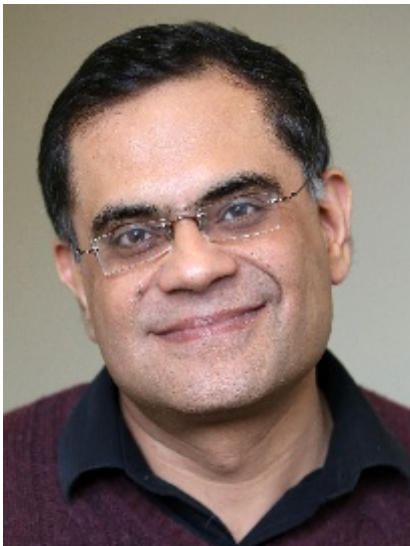




“ Pakistan must reframe its national development plans in the context of citizen rights, equality of citizenship and the renewal of the social contract between the state and its subjects. ”

Development Policy Planning for Rights

“ Policy and planning must be driven by a rights framework, and not the interests of narrow corporate elites. ”



By

Raza Rumi

Policy Analyst

Journalist

Director, Park Center for Independent Media, Ithaca College (U.S.A.)

As the year 2021 ends, thousands of people in Gwadar, Balochistan are protesting for their right to livelihoods that seem endangered due to the ‘developmental’ putsch in the southern port town. The lack of clean drinking water and the abysmal social services in the region had bedeviled the local population, but now they face the stark prospect of losing livelihoods due to the mechanization of fishing, and entry of larger corporate players. Gwadar has witnessed increased operations of fishing trawlers from the neighbouring Sindh province and China, that are threatening local incomes.¹ For years, the local Baloch population has been complaining about their non-inclusion in the medium- and long-term development plans.

The China Pakistan Economic Corridor (CPEC) potentially opens tremendous opportunities for infrastructure development and economic growth. But the cost of such development is an old theme in development research and practice, that continues to inform policy debates and programming globally. Pakistan is no exception.

The Sustainable Development Goals (SDGs) include preservation and expansion of livelihoods as a key objective. The right of indigenous populations to their resources and inclusion in decision-making, is part of many United Nations agreements and covenants. Therefore, the current mobilization in Gwadar becomes even

more significant.

Why do human rights matter in development? I teach a course, ‘Rethinking International Development’ at the Cornell Institute for Public Affairs wherein I invite students to think about this question based on the various approaches that place rights at their center and approach ‘progress’ and social change as the realization of basic citizen rights. Without treating the beneficiaries of projects and programmes as ‘citizens’ and exploring the state and notion of citizenship, investments in human development are meaningless.

Development is often considered as a consistent increase in per capita national income and the macro economic growth rates often hide the necessity of freedom, mobility, equality of opportunity. The current wave of authoritarianism across the globe is a testament of income and wealth inequality that has reached an alarming proportion. The world has not been that unequal for over a century and such inequities of the current economic order perhaps best reflected in the climate emergency – is generating disaffection, contributing to the rise of neo-fascism and require us to rethink the model of development that is risking the future of our planet and its inhabitants.

Studies in different contexts have demonstrated that investing in humans rights-based approaches not only

1. The Third Pole (2021), “Fishers fearful as China eyes Pakistan’s fisheries.” Available at <https://www.thethirdpole.net/en/livelihoods/gwadar-fishers-fearful-as-china-eyes-pakistans-fisheries/>



On 6th April 2021, Honorable Prime Minister of Pakistan, HE Mr. Imran Khan, launched UNDP Pakistan’s National Human Development Report 2020 entitled “The Three Ps of inequality: Power, People, and Policy”. Also present on the occasion were Federal Minister for Planning, Development, and Special Initiatives, Mr. Asad Umar, and Special Assistant to the Prime Minister on Poverty Alleviation and Social Safety Division, Dr. Sania Nishtar, along with virtual attendance by the Assistant Secretary-General, Assistant Administrator and UNDP Regional Director for Asia and the Pacific, Ms. Kanni Wignaraja.

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“ Investing in human rights-based approaches not only results in effective community development, but also opens up the possibilities of structural change. ”

results in effective community development, but also opens up the possibilities of structural change. Therefore, Pakistan must reframe its national development plans in the context of citizen rights, equality of citizenship and the renewal of the social contract between the state and its subjects.

In early 1990s, Pakistan’s Supreme Court in the case Shehla Zia and others versus WAPDA, examined Article 9 of the Constitution of Pakistan, that guarantees that no person shall be deprived of life or liberty save in accordance with law. The Court interpreted that the word “life” widely and upheld that it may include clothing, shelter, education, health care, clean atmosphere, proper food and unpolluted environment. In this case, Water and Power Development Authority (WAPDA) was installing a grid station in a neighbourhood. Civil society representatives went to the court and invoked fundamental rights and the court decreed that a person was entitled to protection of law from being exposed of

hazards of electromagnetic fields or any other such hazards which may be due to the installation and construction of any grid station or such like installations.

Later, in 1996, another judgement of the Supreme Court of Pakistan enforced the fundamental right – the right to life – by ordering to fix the sewerage system in Bahawalpur city of Southern Punjab. Desilting and cleaning of the sewerage system and placing missing manholes were construed as extensions of the fundamental right of the citizens.

Such victories however, pale in comparison with the consistent violation of rights. Senseless infrastructure development or cutting trees in cities and towns and dysfunctional zoning processes, are fast turning Pakistan’s ever-expanding cities into toxic environments.

Lahore, the second largest city, has been declared as the most polluted city in the world,² with grave consequences for public health, productivity and even the future economic potential of the

2. IQAir, Air Quality in Lahore. Details at <https://www.iqair.com/pakistan/punjab/lahore>

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VACCINE.

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“ The current wave of authoritarianism across the globe is a testament to the income and wealth inequality, that has reached an alarming proportion. ”

metropolis.

The pollutant-measuring Air Quality Index (AQI) has reached record levels this week. In November, AQI crossed 500 which is clear public health hazard confirmed by environmental protection authorities. A wide array of factors contribute to emissions all year round, that are a result of weak regulation, governance failures and dysfunctional city administration.

As millions in Lahore brave the consequences of life-threatening pollution, the upcoming Ravi Riverfront Urban Development Project is likely to further inhibit the realization of citizen rights. The project envisions development on both banks of the Ravi River along a 46 km long stretch divided into different Zones, including a residential area that will house part of the huge population of

Lahore. The areas identified for the project along the banks of Ravi include many residential settlements, small industries, and agricultural land belonging to thousands of low- to middle-income people of Lahore and its suburbs. One hundred thousand persons belonging to 15,000 households are likely to be moved during this process. The natural environment of the riverbank and surrounding arable land runs the risk of irreversible degradation.³

The development model from Lahore to Gwadar is questionable as it repeats the mistakes of the past and undermines the constitutional guarantees that citizens are entitled to. This situation can only be rectified if a rights' framework and not the interests of narrow corporate elites, drive policy and planning.

3. Naya Daur (2021), "Ravi River Urban Development Project — A Threat To Local Economy & Ecology." Available at <https://nayadaur.tv/2021/02/ravi-river-urban-development-project-a-threat-to-local-economy-ecology/>

The Pandemic Effect: Widening Gaps¹

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on livelihoods and unemployment, and details actionable recommendations and a way forward for human rights approaches in Pakistan.



18.6 million people speculated to be **at-risk**

About **88%** experienced a **decline** in their incomes and **19%** were laid-off



Recommendations & Way Forward

Adopt a human rights-based approach for a comprehensive, and universal social protection mechanism in Pakistan

Federal and provincial laws could be codified, disseminated, and used as the building blocks for ensuring that labour rights are protected

The Digskills initiative, by the Ministry of Information Technology and Telecom, should be updated with new skills that a post-COVID job market would require

Special attention needs to be paid to areas with poor connectivity such as the Newly Merged Districts of Khyber Pakhtunkhwa and Balochistan

Introduce strong legislation and regulatory framework for consumer protection to advance e-commerce



Have round of payments under the cash transfer programme to deal with the protracted crisis

Existing Acts could be brought into effect using the database of domestic workers that registered with the NSER, for accessing COVID-19 relief funds

Public-Private partnerships should be sought with universities and mentoring companies to impart short skills-based trainings that focus on digital modes of working to prepare students for hybrid models

The National Socio-Economic Registry (NSER) should be utilized to devise a framework of rights and labour laws protection for the large informal sector, with special focus on achieving gender equality in the labour market in terms of remuneration and working conditions

1. The content 'for all infographics' has been sourced from the report "COVID-19 and Disaster Vulnerability in Pakistan: A Human Rights Based Analysis" produced by the Federal Ministry of Human Rights and UNDP Pakistan. It is available at <http://www.mohr.gov.pk/SitelImage/Misc/files/COVID-19%20and%20Human%20Rights%20Taskforce%20Report%20-%20FINAL%20edit.pdf>

Securing Sustenance During COVID-19

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on food insecurity, and details actionable recommendations and a way forward for human rights approaches in Pakistan.

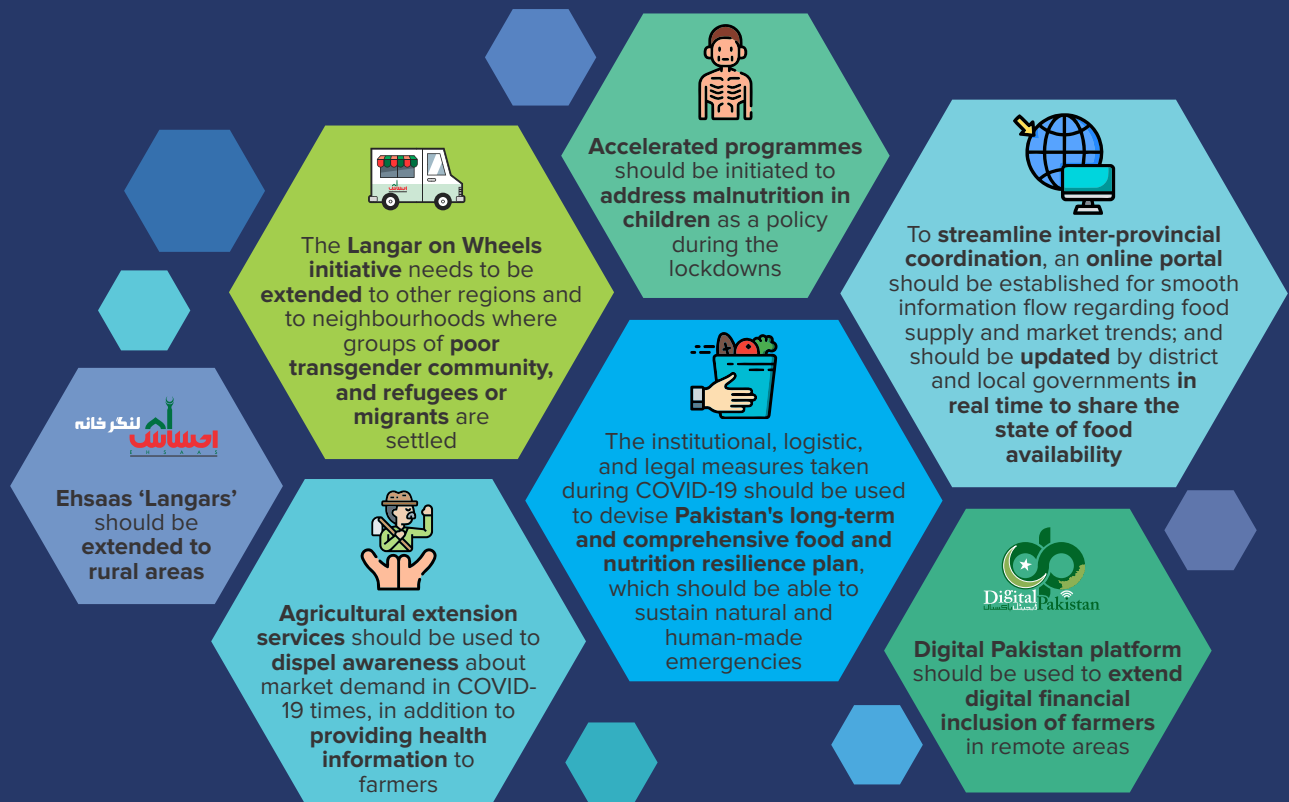


34 districts in Pakistan were ranked as **'Very High Vulnerability'** districts and **43 as 'High Vulnerability'** districts owing to food insecurity, putting about **67.8 million people** at risk



At most risk due to inflation and lack of food provisions were the poor, elderly, people with chronic diseases and weak immune systems, people with disabilities, and female-headed households

Recommendations & Way Forward





“ The United Nations Declaration on the Rights of Indigenous People has affirmed unequivocally that “all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences, are racist, scientifically false, legally invalid, morally condemnable and socially unjust”. ”

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Reclaiming Indigeneity

“ Fundamental issues of identification, recognition, representation, and inclusiveness of indigenous people, will determine the future global advocacy agenda. ”



By

Amjad Bhatti

Chief Technical Specialist/Project Manager

Reconciliation and Federalism Support Project
Inclusive Politics Portfolio
UNDP Somalia

The United Nations Declaration on the Rights of Indigenous People (UNDRIP 2007) vocalizes some muted concerns by recognizing that “indigenous peoples have suffered from historic injustices as a result of [...] their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests.” While recognizing the historical and cultural diversities of different regions and countries, the UN Declaration has affirmed unequivocally, that “all doctrines, policies and practices based on, or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences, are racist, scientifically false, legally invalid, morally condemnable, and socially unjust”. These are the universally set principles which allow indigenous peoples (IPs) to protect, preserve and reclaim their distinctive cultural identities, and inalienable economic entitlements.

Pakistan voted in the favor of UNDRIP, however, the definition and classification of ‘indigenous’ people, groups and communities remained one of the elusive areas in the overall rights-based discourse in the country. The notions of indigeneity in Pakistan get submerged in the chthonian connotations of religious minorities and ethno-tribal identities, leading to a convenient ambivalence towards a layered structure of marginalization neglecting the invisible, silenced, and peripheral IPs.

In order to recontextualize the debates on IPs, it is important to look at the contours of colonial social engineering which have direct bearing on contempo-

rary tribal configurations. Historically, colonization and dispossession seem to be two dominant drivers leading to the perpetual marginalization of IPs (adivasis), which rendered them into subaltern social groups in the subcontinent. These groups and communities were excluded socially, politically, geographically, and culturally, from the imperial radius of power. The Criminal Tribes Act (1871, 1911, 1924) is one of the most relevant examples on the subject wherein, hundreds of nomadic, semi-nomadic and sedentary tribes of the subcontinent were designated as ‘criminal’ based on their hereditary; and a collective responsibility was imposed on individual acts. Their movements were restricted, and their mobility was surveilled. The scope of this law was stringently extended to Punjab and Northwestern provinces of colonial India, including Madras and Bengal presidencies. A cursory look at the list of criminal tribes indicates that at least five designated ‘criminal’ tribes are now enlisted as indigenous people of Pakistan including, Ko(h)li, Rebari, Vegari, Jogi and Sanyasi. The Act also designated Hurs of Sindh, Gujjars, and Hejras (transgender) as criminal tribes based on the logic that they are ‘born criminals’ and therefore they are ‘predisposed to commit cognizable offences’.

India repealed the Criminal Tribes Act in August 1949, which according to some reports, resulted in the decriminalization of 2.3 million tribals. However, Pakistan has not given this enough attention to do away with the colonial legacy of a morbid legislation having direct bearing on the dignity of ethnic tribes and indigenous communities. In 1956, the government of Pakistan, however, declared about 32 castes and tribes as Scheduled Castes in the country.



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“ So far, there is no authentic inventory of indigenous peoples in Pakistan. However, some studies have enlisted Koochis, Rebari, Kohli, Bakarwal, Kehal, Jogi, Kabootra, Sanyasi, Kalash, Jhabels, Kihals, Mores, Musalis and Kutanas, as diverse groups of indigenous people in Pakistan. ”

Majority of them are lower caste Hindus such as Kolhi, Menghwar, Bheel, Bagri, Balmaki, Jogi and Oad. Analysts have observed that, given the lack of legal definition for the indigenous peoples in Pakistan, there have always been varying claims by different societal groups. So far, there is no authentic inventory of indigenous peoples in Pakistan. However, some studies have enlisted Koochis, Rebari, Kohli, Bakarwal, Kehal, Jogi, Kabootra, Sanyasi, Kalash, Jhabels, Kihals, Mores, Musalis and Kutanas as diverse groups of indigenous people in Pakistan.

With the advent of International Financial Institutions (IFIs) investments and financing in mega infrastructure development projects, the discussion on IPs gets a renewed currency among the policy community. These discussions are largely predicated on developmentalist assumptions requiring IP safeguard policies formulated by the IFIs, in view of financing mega infrastructure development projects which might involve involuntary settlement and socio-economic dislocation of the natives in the project areas.

In the light of this operational definition

of IPs, the ongoing social movement of Gwadar poses a critical question, as if the communal claim of Balochs on their indigenous resources falls within the jurisdiction of IP safeguards, allowing them to participate in the decision-making processes that are changing the essential nature of an eco-zone, which provides them livelihoods and identity. Similarly, the violation of the historical rights of fishing communities, the cultural appropriation of the Kalash community, the forced conversions of Dalits and other marginalized religious minorities, and decriminalization of indigenous communities, are some of the key issues which need serious policy shift towards IPs in Pakistan. The fundamental issues of identification, recognition, representation, and inclusiveness of indigenous people will determine the future advocacy agenda aimed at redressing the chronic impacts of colonization, dispossession and marginalization of indigenous people, groups and communities in the country. A larger political debate on these issues would be able to pave a way for a consensus towards constitutional guarantees to the IPs, as enunciated in the United Nations Declaration on the Rights of Indigenous People.

“ In order to recontextualize debates on IPs, it is important to look at the contours of colonial social engineering. ”



The Hazara Community



The Kalash Community



The Koochi Community



The Dalit Community



The Baloch Community



The Adivasis Community



“
Human
trafficking has an
appalling impact
on human rights
and human
dignity.
”

Lost in Migration

“ At the cost of snatching the liberty and security of a free person, human trafficking has become a global problem in violating human rights and causing irreparable losses to millions of families. ”



By

Ansar Burney

Advocate

Former United Nations
Expert Adviser on Human
Rights (Geneva)

Former Federal Minister for
Human Rights (Pakistan)
Chairman, Ansar Burney
Trust International

Origins

Human Trafficking is the most complicated yet one of the cruellest, inhumane, organized and monetarily profitable offense in the criminal industry. At the cost of snatching the liberty and security of a free person, human trafficking has become a global problem in violating human rights and causing irreparable losses to millions of families.

Global human trafficking is believed to harbour roots from the concept of 'African Slave', when America and Europe were considered big markets for the sale and purchase of slaves trafficked from different African groups and countries.

There are several forms of human trafficking that result in servitude including forced labour, organ harvesting, debt bondage, sex trafficking, beggary, and child marriage. Both girls and the boys, mainly of teen age, are subject to sexual gratification by use of force, deceit, or drugs.

Factors and Modes of Trafficking

Human trafficking is slowly exacerbating owing to poverty, lack of awareness, oppression of rights, lack of social or economic opportunity, heavy and burdensome debts, mental health, racial discrimination, addictions and gender inequality, among others.

Human trafficking breeds in areas where human rights' deprivations are common. Generally, victims of human trafficking are recruited through lucrative offers with bribes for a better future and handsome earnings.

Victims are deceived through local agents and employment agencies, who forge travelling documents and misguide victims into adopting illegal routes for travel. Transporters, who are normally third party agents, are involved in trafficking victims from their country of origin. They are compensated only after they have taken migrants to the responsible party in the destination country. The travelling documents, whether genuine or forged, are seized by such traffickers. Following this, victims are often subjected to physical and sexual abuse, and many are forced into labour or sexual abuse to pay off their migratory loans.

A majority of unemployed trafficked persons are often kidnapped for ransom and subjected to inhumane and brutal physical torture. Their right to privacy is completely violated when they are used in shooting indecent media, which is employed as an instrument of further exploitation and a ticket to attain huge amounts of ransom money. Several poverty-stricken families resort to selling off their organs to pay the ransom. In some cases, when financial demands are not met, victims are sold off, killed, or expire owing to extreme brutal torture.

“ Human trafficking breeds in areas where human rights' deprivations are common. Generally, victims of human trafficking are recruited through lucrative offers with bribes for a better future and handsome earnings. ”

The Struggle for Rehabilitation

At the Ansar Burney Trust International, several such cases have been seen, all based on the premise of false promises and dreams of a prosperous life in European countries. If victims protest, they are often trapped into cases of illegal entry by the trafficking agents, and are ultimately imprisoned.

Release and rehabilitation of several trafficked victims, especially girls, forced into the chains of prostitution, dancing at night clubs and physical exploitation. Fake passports and blackmail through the use of objectionable and unlawful material, is widely employed by traffickers as a means of power and authority.

The plight of trafficked children is also extremely unfortunate. From being trafficked to be employed as jockeys, and subsequently illegally used in camel racing, they are subjected to brutal treatment with several dying. The Ansar Burney Trust has worked tirelessly to eradicate this cruel practice and has successfully brought back thousands of children to their homes, in its struggle against the prevention and control of human trafficking and human smuggling.

Human trafficking has an appalling impact on human rights and human



Children are often trafficked to be used in illegal camel racing.

© Reuters

dignity. The only weapon to cope with such a plague is the intervention of governments by invoking education, awareness and creating more resources of employment, which are the key to minimizing human trafficking. As a human and civil rights organization, the Ansar Burney Trust will continue to play its significant and sensitive role in curtailing human trafficking in the very interest of human dignity.

“ A majority of unemployed trafficked persons are often kidnapped for ransom and subjected to inhumane and brutal physical torture. Their right to privacy is completely violated. ”



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Migration in a Pandemic

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on refugees and migrants, and details actionable recommendations and a way forward for human rights approaches in Pakistan.



Refugees

Pakistan hosts about **1.4 million registered Afghan refugees**, thereby exerting extra pressure on already limited resources during COVID-19

About **31%** of the **Afghan refugees live in refugee villages**, while **69%** live outside, mostly in urban settlements. This pressure on space has caused **infringement of rights to freedom**






About **72,000 Afghan refugees** are already **suffering** from certain **medical conditions**, thereby further restraining available health services

It is estimated that about **1,262 overseas Pakistanis** have lost their lives owing to COVID-19 while about **7,808** had contracted the virus while abroad

Overseas Pakistanis

Recommendations & Way Forward

-  During a health emergency, all refugees should be given healthcare irrespective of their legal status, and be provided with free life-saving medical care, as well as reproductive healthcare
-  Hygiene and sanitation standards must be improved and overcrowding should be reduced by reducing per camp density of refugees
-  Intersectoral coordination needs to be strengthened to develop a coherent approach to refugee protection between UNHCR and the government bodies at the federal and provincial departments
-  The health staff should also be trained to identify any potential gender-based violence cases in a situation where regular relief channels may be disrupted
-  Returning overseas Pakistanis who have lost their jobs should be integrated in the Ehsaas emergency Cash Programme, based on their vulnerability

-  Medical facilities offered at Basic Health Units in refugee villages should be improved and equipped with essential medicines and instruments
-  The Government together with the MoHR, Ministry of National Health Services, Regulation and Coordination, and relevant UN bodies must devise and implement new safety standards for refugee settlements to avoid relocation and disruption in a similar crisis in the future
-  Regular testing and screening should be conducted at refugee camps to avoid a resurgence of the virus in crowded places
-  Social protection schemes should be considered to be continued for medium term for vulnerable refugee families who may be struggling to get their livelihood on track after the lockdown
-  For overseas Pakistanis, besides job-matching initiatives, job creation methodologies also need to be used to spur employment

“

The underprivileged have no bargaining power. After 74 years of independence and extensive debate, the medium of communication in the superior judiciary remains English. Almost all the judgments are written in English, which few can speak or comprehend. Access is automatically hindered with this first basic step.

”



Rightful Access vs. Bargaining Power

“ With more than two million cases pending in our courts, access to justice for most of the masses, particularly the poor, is nothing short of a joke in today's time and age. ”



By

Anees Jillani

Advocate, Supreme Court
Founder, Society for the
Protection of the Rights of
the Child

Since the boom of news channels, Pakistan's judiciary has remained quite often in the limelight. This phenomenon became pronounced following the restoration of the Chief Justice of the Supreme Court, Ifthikar Chaudhry in 2007, who took up cases that were likely to attract public attention, with prominent reporters present in the court room. To ensure 'satisfactory publicity' many judges in both Supreme and High Courts, made it a routine practice to brief reporters on judgements. This new 'judicial culture' has had dire consequences, as there is little, if any, emphasis on legal acumen, jurisprudence and relief to the common man. Instead, there is more interest in making politically *savoir-faire* decisions.

Based on the latest poverty headcount in the 2018-19 Household Integrated Economic Survey (HIES), 22 percent of the population is living below the poverty line. The gap between the rich and the poor in the country is huge and increasing. It is hardly surprising then, that people in such a state of affairs are becoming radicalized and are feeling increasingly insecure.

Access to justice for most of the masses, particularly the poor, is nothing short of a joke in these circumstances. Poor exists in all societies. The difference is that some provide equal opportunities to all, which gives hope to the poor and makes them feel involved in the system. Unfortunately, this is almost non-existent in Pakistan.

The underprivileged have no bargaining power. After 74 years of independence and extensive debate, the medium of communication in the superior judiciary remains English. Almost all the judg-

ments are written in English, which few can speak or comprehend. Access is automatically hindered with this first basic step.

Pakistan's Constitution says that "the State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work." To "each to his work" translates in Pakistan in the shape of a landless farmer working on a field the whole day and remaining hungry; a worker producing cloth but scantily dressed; a labourer constructing houses all his life but remaining homeless.

The State is hardly doing anything to rectify this unjust situation. Many, particularly those in the government, talk about the rule of law, which basically refers to implementation of existing laws by force, if need be. Anybody challenging the status quo is crushed with force; greater the resistance, greater the force.

Resultantly, the objective of the State has become to perpetuate the status quo, and the legal system is an important element to achieve this 'important objective'. If you visit a prison in Pakistan you will seldom, if ever, find any rich person there and few educated prisoners. All prisoners are uneducated and poor. Isn't it nothing short of a miracle that the educated and the rich never commit a crime? The reality is different: they commit crimes but seldom get caught and wriggle out of the system. Police can be bribed and good lawyers are available to them. One of the easiest ways to frustrate a poor litigant, is by simply getting the legal proceedings delayed; the common man, desperate to recover his dues in the



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name of justice, will be on his knees to receive whatever the uncanny is willing to offer as alms. More than 2.1 million cases remain pending in our courts.

This lack of access to justice is exacerbated by the bungling of the lawyers, the judiciary and the lawmakers. The major criminal and civil laws continue to be those drafted by the colonial rulers more than a century and a half ago-it should be no surprise that they are outdated and do not help in facilitating people's

access. Many of the newly drafted laws are copied from other countries' laws, mostly from the neighbouring country - majority of the legislative work done by our parliament consists of amendments. The laws and the court judgments have many errors resulting in difficulties in interpretation. And if the professionals have trouble doing it, one can imagine the problem the masses and the media may face in comprehending them.

The pessimistic assessment of the

current legal system may be depressing, but the sad part is that it can be improved and made at par with any of the best systems in the world. Nobody, however, is willing to do it as the status quo is suiting the rich while the exploited have no power or voice. Lip service is paid to the poverty-stricken, but seldom do we come across laws that change their fate. The latter are told that this is their fate; in other words, they should reconcile to it. But is it their fate?

Young and Convicted: The State of Juvenile Justice

Thousands of children appear daily in various courts as law offenders. Few, if any, reliefs are granted to them under the Juvenile Justice (JJ) System Act 2018 (No XXII), and their trial continues for months, if not years.

More than 1300 children are being kept in prisons, although separately, all over the country. There are few 'so-called' special prisons for children, which unfortunately are no different from the regular jails. Not a single exclusive Juvenile Court or a Juvenile Rehabilitation Center mentioned in the 2018 JJ Act has been established. Most of them are being kept in overcrowded conditions. Despite a liberal regime provided for grant of bail to juvenile offenders, majority of the inmates are under trial.

The correctional staff requires training. There are no psychologists, psychiatrists, and social workers available for the counseling of minor detainees. There is no provision for education in these prisons, and with many children suffering from skin and other ailments, the state of health remains poor. Hygiene is often shaky. Most cells for children are not even equipped with a drinking water supply system or a proper sewerage system.

These children in Pakistan are facing the wrath of the law for the 'crime' of being poor, neglected or abused. Regardless of the reasons for their offenses, they are entitled to fair treatment at the hands of the juvenile justice system, which must be designed to aid children's return to a productive society.

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Innocence Lost in Pandemic

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on child protection, and details actionable recommendations and a way forward for human rights approaches in Pakistan.



Pandemics like COVID-19 significantly affect the environment wherein children grow and alter their safety and development outcomes



The UN Secretary-General has stated that the COVID-19 crisis is quickly turning into a "broader child rights crisis"

Recommendations & Way Forward

Ensure immunization drives and supplementation awareness campaigns are restarted



Invest in mobile clinics to deliver basic health services where most needed, and put in place disease surveillance, early detection and case reporting systems



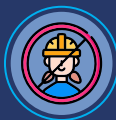
Promote timely registration of births by simplifying procedures



The state should administer a survey both online and if possible, through physical dissemination in residential care facilities for children with disabilities



Protect working children and those vulnerable to child labour, by conducting outreach programmes and mass media education



Ensure that the data collected by the NSER and population health census on household on socio-economic conditions includes indicators pertaining to children's nutrition and health and this data is used for future programmatic targeting



Establish child and gender-sensitive regulations for children in alternative care institutions



Declare child protection departments and systems as essential services and ensure their continuity during public emergencies



Take urgent steps to transfer children in prisons to other residential institutions like orphanages or family-based care, and reallocate resources accordingly to support such setups to care for these children



Stricter enforcement of child labour and bonded labour laws





“ There is a lack of understanding amongst criminal justice actors, which leads to wrongful convictions, coupled with the non-implementation of the Mental Health Ordinance 2001. ”

Prisons and Prisoners

A Case for Passing the Draft Punjab Prison Rules, 2020

“ There is growing momentum for prison reform in Pakistan. ”



By
Sarah Belal
 Executive Director
 Justice Project Pakistan

The Current Scenario

There are currently 116 jails across Pakistan, whose capacity is exceeded by 23,657 prisoners, approximately 37.8 percent.¹ As of 2021, 68 percent of total inmates in Pakistani prisons are still undergoing trial. In contrast, the average rate of under-trial detention around the world is less than 25 percent.² The key issues faced by the prison population are that of an unbalanced diet, water of insufficient quantity and quality, poor access to healthcare, lack of hygiene and inadequate human resources.

Based on official data, 1,399 out of 88,678 prisoners in Pakistan are female (Table 1). That is, 1.6 percent of the total prison population. 70 percent of the total female prison population in Pakistan are under trial prisoners, which is slightly higher than the male percentage of under trial prisoners at 68 percent.⁴ Moreover, the key issues faced by women in prison include a high rate of mental illness, suicide and self-harm, absence of counselling, lack of legal representation owing to the paucity of good state lawyers, and a lack of financial support for children born to/residing with mothers. Women are

Table 1: Detail of Prisoners Confined in all Provinces³

Description	Punjab	Sindh	KP	Balochistan
Total Jails	43	24	38	11
Authorised Capacity	36,806	13,538	1,260	2,664
Present Occupancy	52,376	19,632	14,153	2,526
Convicted	15,938	4,154	2,890	1,071
Condemned	-	514	-	-
Under Trail	33,787	13,889	11,263	1,455
Male	51,456	19,200	13,957	2,481
Female	920	240	196	43
Juvenile	790	192	446	02
Corona Effected	3	9	24	-
Hepatitis Patients	948	116	186	101
HIV Patients	266	155	27	13
T.B Patients	97	18	16	-
Inmates of 60 years & above	1,313	462	585	-
Mentally Challenged	12	252	314	-

1. 10th Implementation report by Federal Ombudsman (Wafaqi Mohtasib) Secretariat, 2021

2. Ibid

3. Ibid

4. Ibid



“ The legal framework for the administration of prisons is in desperate need of revision. ”

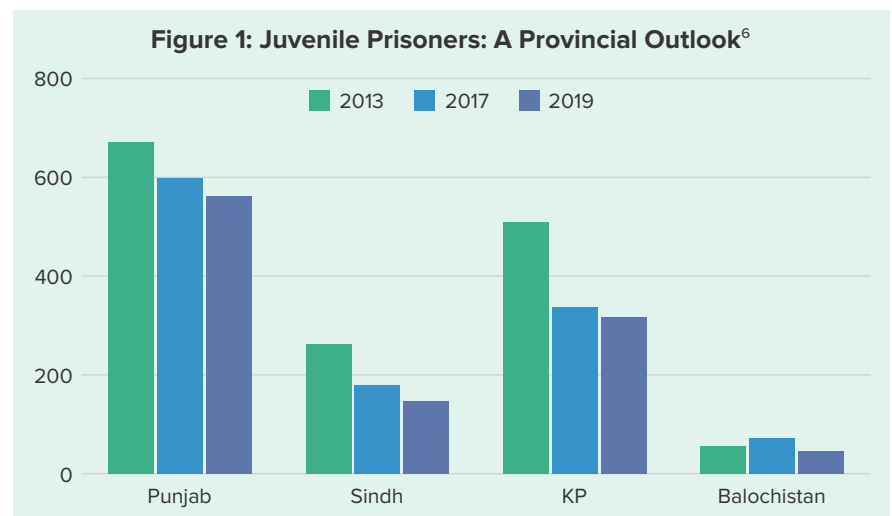
subjected to sexual and physical abuse, threats of abuse, violence in detention, forced confessions and lack of gender specific health facilities to cater to sexual/reproductive issues like HIV. Women also display a lack of awareness of their legal rights and are subject to no family support owing to stigmatization and abandonment by families.

Furthermore, Pakistan has only seven juvenile detention facilities in total. Two of these are in Punjab, five in Sindh, and none in Khyber Pakhtunkhwa and Balochistan⁵ (Figure 1). The total number of juvenile prisoners is 1.6 percent of the total prison population. The key issues faced by this category of prisoners is lack of birth registrations resulting in juveniles in the same cell as adult prisoners, lack of vocational and educational training, no functional probationary and rehabilitative department, lack of child health experts- including mental health- available to provide quality services and lack of competent legal assistance.

As of 2019, 4,688 prisoners are on death row in Pakistan, of which 188 are

diagnosed as mentally ill in Punjab alone.⁷ There is a lack of understanding amongst criminal justice actors (prison authorities, judiciary, prosecutor/defense lawyers), which leads to wrongful convictions, coupled with the non-implementation of the Mental Health Ordinance 2001. The authorities fail to protect mentally ill persons at all stages of arrest, sentencing and

detention, and lack the forensic mental health facilities needed to treat mentally ill prisoners. Similarly, jail sources reveal that around 2000 patients of hepatitis, asthma, skin cancer, and HIV are imprisoned in Pakistani jails.⁸ Naturally, prisoners who contract diseases such as Tuberculosis (TB), Hepatitis, and HIV as a result of the deplorable jail conditions, often become subject to fatal illness



5. National Counter Terrorism Authority, Cursor for Development and Education Pakistan, International Committee of the Red Cross (2018), “Addressing Overcrowding in Prisons by Reducing Pre-Conviction Detention in Pakistan.” Available at <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

6. Data combined from dailypakistan.com.pk, (2018) and Federal Ombudsman Report 2019 in Suo Moto Case 1 of 2006 (action taken by HCJ on application regarding miserable condition of women in Jails)

7. DAWN (2019), “Inmates with mental disorders increasing.” Available at <https://www.dawn.com/news/1478845>

8. Supra 1



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The judiciary
itself has been a
part of the
zeitgeist pushing
for prison
reform.
”

because of the lack of intervention by authorities. In turn, lack of adequate medical care in prisons leads to inability of prisoners to prove they are terminally ill.

The Growing Momentum for Reform

The legal framework for the administration of prisons is in desperate need of revision. The federal and provincial governments need to review the rules and procedures that apply to the administration of prisons, including but not limited to: The Pakistan Prison Rules, 1978, The Prisons Act, 1894 (Act IX of 1894); The Prisoners Act, 1900, the Mental Health Ordinance, 2001, Pakistan Penal Code, 1860 (Act XLV of 1860) and The Criminal Procedure Code, 1898 (Act V of 1898).

It is a mistake to see Pakistan's prisons as a monolith, the penal culture in each province is steeped in its anthropology and history. The 18th Amendment to the Constitution instigated the statutory delegation of powers from the central government to regional and local government, thereby aiming to make governance structures more efficient and responsive to local needs. Provincial Prison Departments, historically steeped in provincial

autonomy, were well positioned to take advantage of devolution.

In the years following the 18th Amendment, both Sindh and Khyber Pakhtunkhwa instituted wide ranging changes to the legal framework governing the administration of prisons. Sindh introduced the Sindh Prisons and Corrections Services Act, 2019. Khyber Pakhtunkhwa soon followed with its amendments to the prison rules in 2019 and passed the Khyber Pakhtunkhwa Probation and Parole Bill, 2021.

However, Punjab with 59 percent of the overall prison population, has yet to pass its Draft Prison Rules 2020. On the orders of the Chief Minister Punjab, a provincial working group formed in 2020 consisting of key criminal justice stakeholders including the provincial Law Department, the Advocate General's office, the Home Department, the Inspectorate of Prisons, the Justice System Support Program representatives and Justice Project Pakistan, set out to make a 21st century legal framework for correctional facilities that aligns with international standards, meets Pakistan's international human rights treaty obligations, maintains the safety of both the prisoners and the public, and improves prison administra-

tion. Each rule in the more than 50 chapters was discussed, debated and the amended rule was included by consensus of all members of the working group. To date it has been the most extensive overhaul of the Pakistan Prison Rules, and is the closest in compliance with international minimum rules for the treatment of prisoners.

The fact that Punjab has been unable to pass its Draft Prison Rules, is further confounded by the fact that the federal government has repeatedly signalled its support for country-wide prison reform.

In the fall of 2019, prison reform was at the forefront of the national agenda. In October 2019, the Prime Minister formally called for nationwide prison reform in a document called the "First Report of the Prime Minister's Prisoners' Aid Committee" (PPAC), promising to institutionalize wide scale improvements that met global human rights standards. This report was released in February 2020⁹ and in August 2020, the Ministry of Human Rights released the "Women prisoners in Pakistani Jails" report, by way of a committee established by the Prime Minister that found women's correctional facilities in need of significant improvement.¹⁰

9. Press Information Department (2020), "PR No. 77 PPAC publishes report on prison reforms after unanimous approval by the cabinet." Available at http://pid.gov.pk/site/press_detail/12993

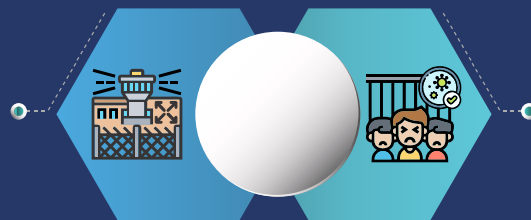
10. Govt of Pakistan, Ministry of Human Rights (2020), "Plight of women in Pakistan's prisons report." Available at http://www.mohr.gov.pk/SiteImage/Misc/files/Prison%20Report_acknowledgmnt.pdf

Prisons and Prisoners in Pandemic Times

The COVID-19 pandemic has proven to be a public health and human rights emergency of unprecedented proportions, causing immense disruptions to economies across the world while stretching health and social protection systems to a breaking point. This infographic summarizes the impact of COVID-19 on prisons and detention centres, and details actionable recommendations and a way forward for human rights approaches in Pakistan.



A UNODC study shows that the system made for a **capacity of 57,742** is hosting about **77,275 prisoners**. This shows that Pakistan's prisons are operating at **134% of their lawful capacity**



An international study by Johns Hopkins University shows that **prisoners are 5.5 times more likely to get infected with COVID-19** and **3 times more likely to die from it**

Recommendations & Way Forward

The 108 vacant medical posts in the prisons of Pakistan need to be immediately filled with capable medical staff, geared with the expertise of communicable diseases in overcrowded places

Adopt appropriate measures to expedite pending cases and reduce prison overcrowding

Ensure that detention centers are equipped with the necessary facilities for isolation of infected prisoners and have the capacity to follow WHO guidelines

Proper medical care should be ensured for childbirth ensuring safety and hygiene standards

Ensure reproductive healthcare for pregnant women and new mothers in prisons, and ensure female prisoners and children are free of any abuse

During suspended (social) or modified (legal) visitation programmes, facilities should provide access to virtual visitation options where available

Updation of prisoners' medical records and needs assessment should be conducted to ensure logistical arrangements for medical supplies

There is a need for mandatory provision of mental healthcare for the prisoners, including support for post-traumatic stress disorder and risk of suicide and self-harm





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There is increasing global
consensus that all human
rights are also digital
rights.

”

MacBook Pro

The Digital of Rights

“ Digital technologies are central to human rights activism and movements in bearing witness of lived realities, developing campaigns for human rights, and placing demands of governments and the international community. ”



By
Nighat Dad

Lawyer

Executive Director, Digital Rights Foundation

Human Rights Activist

With the rise in the use of digital technologies and internet platforms, digitization of our personal and work lives has become a foregone conclusion. These digital transformations came to a head during COVID-19, accelerating the use of technology in nearly every aspect of life. However, with these advances, conversations on human rights need to be centered as we approach these technologies.

The relationship between technology and human rights is two-fold and symbiotic. On one hand, technologies are seen as a facilitator for human rights discourse and compliance, as they have allowed for the democratization of speech, greater transparency, and access to information. Alternatively, human rights approaches to technologies are important to ensure that their use and actions on digital platforms are within the human rights framework. This article explores this two-way relationship in light of emerging technologies and developments.

In early 2021, the Ministry of Human Rights launched Pakistan’s first Human Rights Information Resource Portal. The portal aims to provide “a central repository that provides public access to Pakistan’s international and domestic human rights framework... [aimed at] students, researchers, academics, practitioners, and the citizenry at large”. It serves as a one-stop-shop for human rights resources and a step towards ensuring easier access to information for citizens and professionals. The portal

also provides access to training materials and resources that can be adopted by organizations and individuals in their individual capacities. It is encouraging that the Ministry has moved one step closer towards more transparency and accountability for public functionaries.¹

However, the portal should be the first step towards a larger process of using ICTs for the advancement of human rights. There is still a dearth of data on issues of human rights concerns from the government. Accessible and open data is a crucial step in ensuring accountability and citizen participation. While the digitization of existing data would be a great start, such initiatives would have to involve a change at a



1. The portal can be accessed at <https://portal.mohr.gov.pk>



“ Article 19 of the UN Human Rights Council states: “The same rights that people have offline must also be protected online.” ”

systemic level that inculcates a culture of transparency and sharing of information among every level of government. Furthermore, many important data points are simply not being collected as there is an absence of mechanisms for quality data collection. These issues go beyond mere digitization, rather speak to a larger ethos of open governance that lies at the heart of e-governance initiatives.

The role of technologies in encouraging open governance and citizen participation is largely untapped in Pakistan. For instance, the right to information laws in various provinces and at the federal level requires that government departments ensure proactive disclosure of all information unless expected under the laws. Technologies and the internet go a long way in making this information accessible. Thus, connecting access to ICTs with access to information is important in the digital age.

Additionally, while technology can be a conduit for furthering human rights, digital spaces are also emerging as places of contestation where human rights are exercised and violated. The

UN Human Rights Council and General Assembly have passed several resolutions stating that human rights are equally applicable in digital spaces. The Council, in its “The promotion, protection and enjoyment of human rights on the Internet” resolution in 2016, stated that “the same rights that people have offline must also be protected online, in particular freedom of expression.”² In fact, now there is increasing global consensus that all human rights are also digital rights, including the right to life, right to free trial, right against discrimination, right to property, right to education and health, in addition to more traditional rights such as the right to expression, privacy, assembly and political participation.³

As countries are passing legislation and policy directives on issues of digital privacy and expression, these conversations on digital rights should be integrated into all human rights discourse. For instance, for several years, the most important questions concerning freedom of expression have been regarding social media, internet access and content moderation. As the internet emerges as one of the primary means of communication and expres-

sion, any discourse on free expression that does not include online spaces is woefully incomplete.

Similarly, human rights questions are becoming even more urgent and nuanced with the introduction of artificial intelligence and automated decision making. As artificial intelligence determines everything from what we see on our social media feeds and how decisions are taken regarding welfare allocation, issues of discrimination and transparency are at the forefront of digital rights concerns.

In conclusion, participation in digital spaces can help facilitate conversations on human rights by opening up public space for citizens and providing access to information on rights and violations. Digital technologies are central to human rights activism and movements in bearing witness of lived realities, developing campaigns for human rights, and placing demands of governments and the international community. Given its potential for upholding human rights, it is even more important that we jealously guard our digital freedoms and resist moves to deny us human rights in these spaces.

2. Read more at “Article 19 at the UNHRC.” Available at <https://www.article19.org/resources/article-19-at-the-unhrc-the-same-rights-that-people-have-offline-must-also-be-protected-online/>
3. Digital Freedom Fund (2020), “Digital Rights are Human Rights.” Available at https://digitalfreedomfund.org/wp-content/uploads/2020/12/Human-Rights_V3.pdf

Digital Shift in Human Rights Data Collection and Reporting in Pakistan

Contributed by
Decentralization, Human Rights and Local Governance Project, UNDP Pakistan

Leveraging on digital technology to create human rights data collection, reporting and monitoring mechanisms, essentially demand to be rooted in the human rights-based approach to data (HRBAD). This approach helps bring together relevant data stakeholders and develop communities of practice that improve the quality, relevance and use of data and statistics consistently with international human rights norms and principles, in line with the Agenda 2030 and Universal Declaration of Human Rights. Under these overarching frameworks, a preliminary set of principles, recommendations and good practices have been formulated by UN OHCHR.

With support from the Governments of Switzerland and Germany, since 2017, UNDP Pakistan's Decentralization, Human Rights and Local Governance (DHL) has been at the centre stage of the digital shift and the role of new technologies towards comprehensive human rights monitoring and implementation at the national and provincial levels in Pakistan. The Project has supported the Government of Pakistan (GoP) in development of the Human Rights Information Management System

(HRIMS).

Operationalization of the HRIMS means creating space, opportunities and institutionalized mechanisms for a significant interface between the Human Rights Management System through strengthening linkages amongst the SDGs (17 SDGs Human Rights Indicators adopted by the MOHR), the Universal Periodic Review (UPR), and, the National Mechanism for Reporting and Follow-up (NMRF). UNDP is also supporting the GoP in developing its "National Strategic Framework for Coherence and Harmonization of National Human Rights Data Collection & Reporting Mechanisms". This follows Pakistan's adoption of the National Action Plan on Business and Human Rights (2021).

For UNDP Pakistan, assisting the government transform the goal for coherence amongst human rights data collection mechanisms, into not just a reality but a priority, has meant, a) Sustained engagement, b) Horizontal and vertical dimensions of advocacy, and c) Mediation at all tiers between the government and other stakeholders, including the NHRIs and the CSOs.





PRSF

INCREASE
EDUCATION
BUDGET
FEES MUST FALL

STUDENTS SOLIDARITY MARCH

ہم نہیں مانتے
ظلم کے ضابطے!

سٹوڈنٹ سولیڈرٹی مارچ
Connect the Disconnected
SAC

“
The popularity of youth-led movements offers a glimpse into the frustration of the youth against a decaying status quo.
”

Youth's Ticking Time Bomb

“ In order to achieve stability, it is necessary to provide opportunities and representation to the youth. ”



By
Ammar Ali Jan
 Historian and Activist

A palpable sense of despondency characterizes Pakistan's youth today. This sense of disorientation can be understood in three broad terms. First, the youth feel unanchored today, and deprived of a future in the world as it exists. Second, existing institutions, including political parties, do not provide adequate representation to the youth. Finally, whenever sections of the youth raise their voices against the suffocating status quo, they have to face the brutal reality of unregulated violence.

Today, over a million young people are joining the labour market every year. Yet, we witness both declining educational standards and employment opportunities for the youth. For example, Pakistan was already lagging behind countries in the region in terms of investment in higher education. However, the federal budget for higher education was reduced by 40 percent in 2019, resulting in higher tuition fees at universities and the scrapping of scholarships for financially marginalized students. Moreover, during the COVID-19 pandemic, more than 20 million workers, mostly young people, were rendered unemployed during and following economic lockdowns. Instead of opening space for new entrants into the labour market, the shrinking economy poses the threat of intensifying the youth bulge, with dangerous consequences for social cohesion.

The frustration of the youth became palpable earlier this year, when students protested against the irresponsible insistence of university administrations to take on-campus exams during a pandemic. Protests in Lahore quickly escalated into violence as private

security guards on campuses were joined by riot police to beat up protesting students. As tensions escalated, the homes of student leaders were raided and many students were taken into custody at the behest of university administrators widely accused of being incompetent and corrupt.

This episode highlights the issue of the lack of youth representation in different institutions, including universities, political parties and the media. Student unions have been banned since 1984, effectively depriving students of any meaningful representation on campus. The vacuum has been filled by regressive political forces that use armed student groups to impose the minority's will upon the student body. Often, these groups work in cahoots with the university administration. The case of Mashal Khan, a student of Mardan University, demonstrates the link between religious/ethnic groups and the university administration. On 13th April 2017, Mashal Khan was lynched on campus by a mob after he campaigned against the alleged corruption of the university administration. Similarly, a religious political party recently protested against musical concerts at a number of universities to force administrations to cancel concerts on campuses. Buckling under the pressure, the University of Punjab administration called the parents of female students who attended concerts to warn them about the “vulgar activities” their daughters were participating in, triggering a host of discussions on the increasing paranoia around sexuality and moral policing of young women.

The lack of representation of students



“ The Government of Pakistan must commit to increase spending on education, gearing the economy towards mass employment opportunities and formulating avenues to hear the grievances of an agitated youth population. ”

on campuses and in dynastic political parties has forced the youth to organize outside the existing institutions. For example, young Pashtun men and women who faced the brunt of military operations and violence from the Taliban, coalesced to political organization demanding an end to regional militarization. Similarly, young women have organized themselves under the banner of the Aurat March (Women's March) to protest the suffocating environment they face in the public sphere. Among university students, we have seen the rise of the Students Solidarity March, a campaign headed by the Progressive Students Collective to demand students union and sexual harassment committees on campuses. The popularity of these movements offers a glimpse of the frustration of the youth against a decaying status quo.

Yet, government responds by disbanding such activism. Women and ethnic/religious minorities face the brunt of excessive policing of the youth by both state and society. For instance, in March 2021, a young female organizer of the Aurat March faced blasphemy charges at the hands of agitated mobs who misconstrued the movement as anti-religion.

It is clear that today, the youth is viewed by the national security apparatus as a law-and-order problem. Tensions are bound to rise as a large number of young people face unemployment, rising costs of living and substandard education. With violence increasingly becoming the language of social and political communication, the process of securitization is expected to intensify. A bigger threat is that if peaceful avenues for protests are shut down, the youth may find its rage expressed through more violent/extremist organizations in the country.

In order to achieve stability, it is necessary to provide opportunities and representation to the youth. The Government of Pakistan must commit to increase spending on education, gearing the economy towards mass employment opportunities and formulating avenues to hear the grievances of an agitated youth population. Failure to do so would not only undermine national security, it would also lead to the further erosion of democratic rights. The future of civil liberties and democracy, depends on the opportunities and freedoms the state of Pakistan will be able to provide to its youth.





Protecting the Voiceless

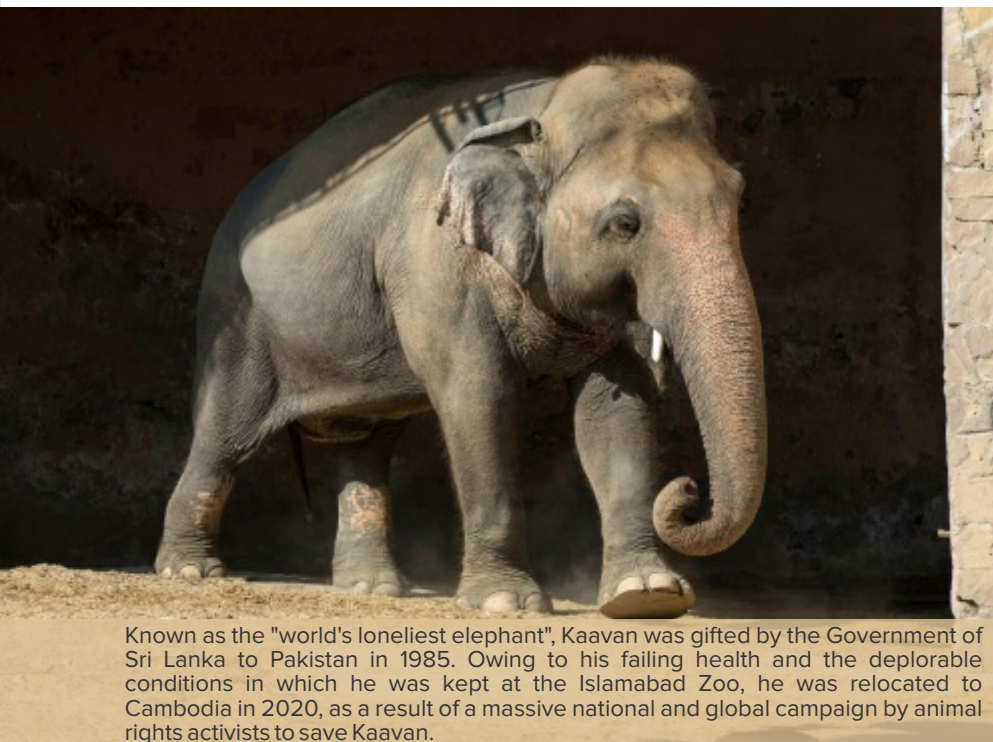
As per national law, all animals have a right to live in an environment that is safe and conducive for them. However, a few recent instances have sparked debate on the status of animal rights in the country.

These incidences include the recent death of two lions during their transfer from Islamabad's Marghazar Zoo to an animal sanctuary in Kasur city; the case of Kaavan the elephant who was relocated to Cambodia from Pakistan due to the deplorable condition and unsatisfactory environment in which he was kept following which the zoo finally closed after all the animals were sent to shelter; the case of unwarranted shooting attacks on stray dogs in an effort to curb their numbers; and, the case of Suzy the elephant who died owing to being kept alone in captivity. Such instances reflect the need for more focus on upholding animal rights.



A rare white lion died in Karachi Zoo in November 2021 due to administrative negligence, after its lungs stopped working due to pneumonia.

© The Nation



Known as the "world's loneliest elephant", Kaavan was gifted by the Government of Sri Lanka to Pakistan in 1985. Owing to his failing health and the deplorable conditions in which he was kept at the Islamabad Zoo, he was relocated to Cambodia in 2020, as a result of a massive national and global campaign by animal rights activists to save Kaavan.

© media.4-paws.org

It is encouraging to see that the Halal Authority Act (2015) is being implemented in Pakistan. It not only instructs to take good care of the animals during the slaughter process, but also prohibits animals being slaughtered in front of each other. There is also emergence of several small welfare organizations working for the rights of animals. Stray animals are being rescued and are provided with shelter and food.

While much is being done, there is still a long way to go to regulate actions against animals and protect their rights.

VOICES FROM TWITTER

#AnimalRights



Animals are natural citizens of our surroundings. Education needs to inculcate that “#Environment Protection” is also inclusive of #Animalrights and safeguarding natural habitats. This is not a radical idea. Just look at the oft-quoted example of #Turkey. Why can't #Pakistan?

Dawar Butt
Public policy specialist
[@theLahorewala](#)



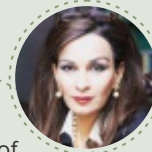
Kindness and compassion towards all living things is supposed to be a mark of a civilized society But when you look into the eyes of a sentient animal, cruelly caged and confined in an intensive factory farm you have to ask yourself, have we lost our humanity?

Philip Lybery
Animal advocate
Global CEO, Compassion in World Farming International
[@philip_ciwf](#)



If we consider ourselves members of the animal rights movement, we need to be willing to make animal rights the top priority among our other social concerns. No one else will.

Alex Hershaft
Founder, Farm Animals Rights Movement
Chairman, U.S. Animal Rights National Conference
[@AlexHershaft](#)



The national animal of Pakistan, the #Markhor, is ranked as endangered & its population in Pakistan is on a steep decline due to poaching and mismanagement by the Govt. Over a 70% decrease in Kashmiri Makhor seen in CGNP in 3 years! Govt MUST protect Pak's #wildlife & #biodiversity

Senator Sherry Rehman
Chair, Foreign Affairs Committee,
Senate of Pakistan
[@sherryrehman](#)



As per recommendations of the @WildLifeBoard the @ClimateChangePK has initiated the process to convert #IslamabadZoo to a world class #WildLifeConservationCentre.

Malik Amin Aslam
Federal Minister of Climate Change
Special Advisor to Prime Minister on Climate Change
[@aminattock](#)



Animal experiments are not only cruel to animals but also to humans as they totally fail the search for human cures.

Peter Egan
UK Ambassador for Animals Asia Foundation
[@PeterEgan6](#)



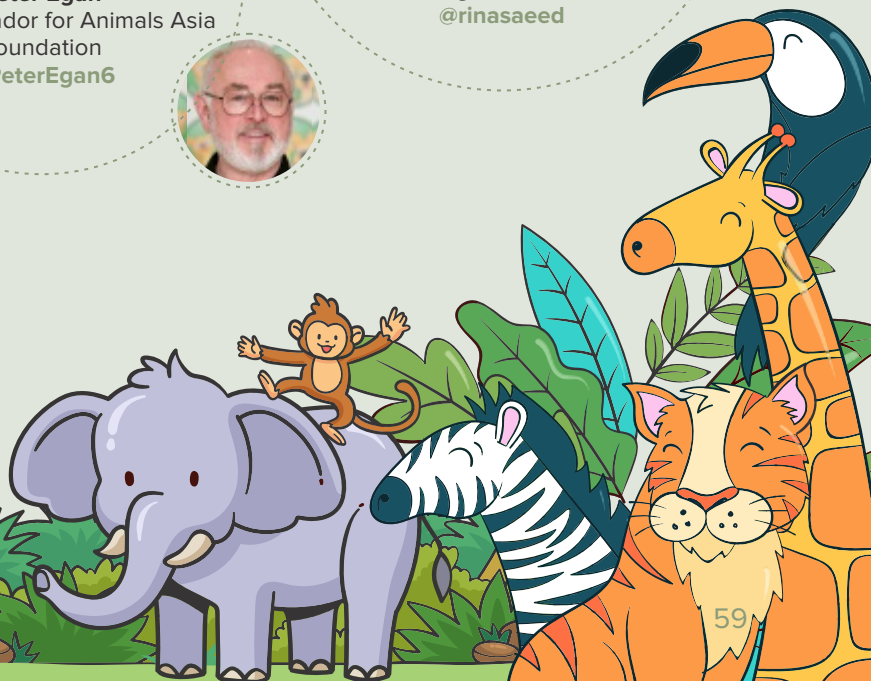
Before we can save THE Animals we need to save AN Animal, this is real life. And in the real world activism and struggling for liberation is not altogether different from any other huge task you might have.

Camille Marino
Animal Liberationist
[@camilleamarino](#)



We all must work together to ban this activity of capturing innocent birds & then release them for money! Already local species of birds in decline. @WildlifeBoard has been stopping this in ICT & @PunjabWildlife will now also join in!

Rina S Khan Satti
Chair, Islamabad Wildlife Management Board
[@rinasaheed](#)





INTERVIEW

Livio Sarandrea

Lead Advisor and Team Leader
Business and Human Rights in Asia
United Nations Development Programme

“ Development programming must explicitly link the human rights aspect with the SDGs Agenda. ”

How has the human rights domain shaped over time. What challenges remain?

The approximately 70-year-old human rights discourse is still relatively young, when compared with the history of humanity. Within this short period, the discourse has grown tremendously in terms of awareness and the concept of universality. It is an area of constant evolution, in looking at new subject areas and actors.

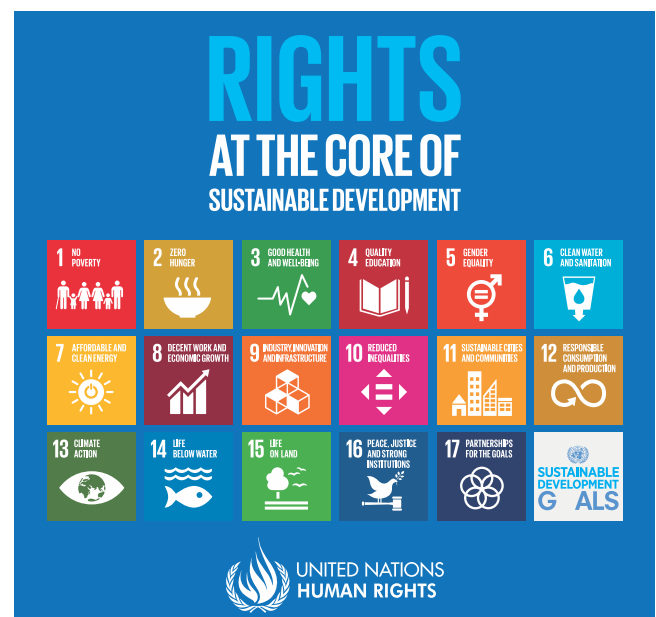
Two new areas have become prominent in the last 5-10 years.

The first is human rights in the digital space. Our lives are now heavily ruled by the digital space. The question of how we protect our rights in this space, has become crucial.

The second key area is environmental rights; right to a safe, healthy and clean environment. We are now looking at environmental issues of the planet as issues of human rights, which has not traditionally been the case. A few weeks ago, the UN Council of Human Rights recognized unanimously for the first time, the right to a clean, safe and healthy environment as a key human right. This was a milestone in the history of human rights and has formalized the inclusion of environmental rights in the spectrum of human rights.

There has also been an evolution in terms of actors. A milestone reached around 10 years ago, was when the international community found an agreement on the role of the business sector in human rights. According to international human rights law as we knew it until 2010, human rights was an issue between duty bearers (state) and rights holders (citizens). Companies were not really actors in this discourse. While they

had to respect national legislation, they were not bound by international law. In 2011, the UN Guiding Principles on Business and Human Rights were adopted, and the business sector was assigned and accepted a role as “additional duty bearer”, given their actions have an impact on human rights. The Business and Human Rights discourse grew rapidly in the last six years in Asia, including through commitment by various states to adopt National Action Plans on Business and Human Rights. Pakistan was the third country in Asia which adopted a



“ In humanitarian emergencies, those who end up being impacted the most are those who are most vulnerable. The vulnerable become even more vulnerable. Emergencies exacerbate problems. ”

National Action Plan on Business and Human Rights.

While the rate of evolution of human rights has been tremendous, challenges remain. Too often, the agenda remains in declaration rather than in practice. Implementation is still a problem. There is a need to transform commitments into action. An injection of more resources from all actors is also imperative to ensure human rights machinery functions well.

What impacts do humanitarian emergencies and pandemics have on human rights? How can these be addressed? Elucidate with examples.

In humanitarian emergencies, those who end up being impacted the most are those who are most vulnerable. The vulnerable become even more vulnerable. Emergencies exacerbate problems.

Take the example of access to vaccines: the right to health was the most integral right during the pandemic. But in practice, those who were well off financially and socially, ended up being able to enjoy that right more as opposed to the more vulnerable ones.

Then there are some groups, such as women, whose rights are always impacted more as compared to the rest.

How can these be addressed? These must be addressed by ensuring that any action that comes up in dealing with the emergency incorporates the human rights lens. The human rights impact assessment of the response to the emergency should be carried out at the inception. However, this is too often not the case.

The same applies to other duty bearers e.g., companies, who also have a role to play in crisis management. For instance, when the pandemic forced several employments to terminate, most companies unfortunately, did not consider the impacts of human rights during terminations.

Access to vaccines is also a relevant example in this case: richer countries accessed vaccines quicker than the poor ones, thereby, exposing an inequality in the access to right to health. However, different models apply to different countries: in Thailand for instance, the priority protocol established for vaccine was based on needs as opposed to financial or social status.

In times of emergencies, it is easier for UN agencies to work on socio-economic rights issues through humanitarian help, while engaging on civic and political rights. While working on the latter is possibly more important, it is often not allowed by host countries.

How can rights of minority groups and vulnerable communities be upheld? Discuss with examples.

How do we ensure minority rights are protected in a given context?

It begins with the constitution recognizing the rights of these groups and setting specific mechanisms for their protection.



National human rights institutions are established specifically for this purpose. These institutions ensure that laws and policies on human rights are practiced and implemented.

The second most important facet where most countries fail, is insufficient resourcing of these mechanisms and institutions. Inaccessibility of these institutions leads to compromises on access to human rights mechanisms. Establishing a commission is one thing, but ensuring that the commission is well resourced and has sufficient capacities, is important to be able to make the difference.

Non-Governmental Organizations (NGOs) can help bridge this gap. The importance of NGOs and civil society groups who access far flung areas cannot be emphasized enough. Donor organizations must also focus on resourcing these groups to allow them to access these areas. Efforts must be made to connect the mandate of the larger organizations and the smaller NGOs, in order to make the whole human rights chain work. Most of the national human rights institutions also have a prerogative to speak at the Human Rights Council during the Universal Periodic Review (UPR) processes, and that is an important moment when human rights institutions can bring grassroots problems to the attention of the international community. It is important to leverage the connection between different instruments and layers of human rights institutions and mechanisms.

With digitization being the new normal, what role can it play in improved human rights governance?

Digitization has brought greater opportunities for the enjoyment of certain rights. Freedom of expression or access to information for example, have become faster and more readily available to the general public.

Technology can be a great ally in awareness raising of human rights. For people to be able to enjoy their rights, they must be first aware of those rights. Artificial intelligence and technology also facilitate communication, and hence help eradicate language barriers which are often an obstacle to raising awareness. Technology can also help build capacity through distance learning.

“ Technology can be a great ally in awareness raising of human rights. For people to be able to enjoy their rights, they must first be aware of those rights. ”



“ Pakistan was the third country in Asia which adopted a National Action Plan on Business and Human Rights. ”

In terms of reporting on human rights, there are more and more countries where lack of progress on human rights is being monitored through digital tools. For example, UNDP Pakistan is working alongside OHR and the ministry of human rights on a digitalized monitoring tool.

Having said all that, there still exists a digital divide across people and communities. In such instances and places, complimenting actions with provision of opportunities to those who are still out of the digital space, is necessary.

The Sustainable Development Goals are built on the foundation of human rights. How can we work towards building strong national human rights systems and help ensure that the SDGs work for everyone?

In devising the Agenda 2030, the human rights angle was not emphasized explicitly. This gap can be filled in the way specific governments implement the agenda. Development programming must explicitly link the human rights aspect with the SDGs Agenda.

A collective approach is integral to achieving human rights targets. Human rights is not just a responsibility of the

government, but of all stakeholders. Human rights institutions and architecture need to be well resourced and autonomous. The national human rights institutions in Pakistan are still not fully autonomous as yet, in accordance with desired certifications.

Moreover, UPR processes must be taken even more seriously. Such opportunities make it easy for a country to understand where their human rights priorities must be for the next 4.5 years.

Connecting national efforts on human rights with other nations is also essential. An example in this regard is Europe, where the Council of Europe, along with many countries beyond the European Union (EU), have accepted some regional standards, as well as the European Court of Human Rights body where citizens can go and complain regionally about human rights violations. The Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights is also a regional human rights body. While this body has limited powers, it is a good model of regional collaboration in terms of human rights. Such opportunities must further be explored in the South Asian region.

Pakistan's National Action Plan on Business and Human Rights

“ Pakistan is the first country in South Asia with a National Action Plan on Business and Human Rights. ”

Contributed by
Decentralization, Human Rights and Local Governance Project, UNDP Pakistan

On December 16, 2021, the Federal Ministry of Human Rights launched Pakistan's first National Action Plan on Business and Human Rights (NAP). Pakistan is the first country in South Asia with a NAP.

The NAP is a policy document in which the Government of Pakistan commits to the protection of human rights in all forms of business activity. It is founded

human rights are violated through business activity.

UNDP has supported this initiative since 2018, through an inclusive, consultative, and multi-stakeholder NAP development process. This process identified eight priority areas for the NAP, around which the Government commits to several actions: (i) Financial Transparency, (ii) Anti-discrimination, (iii)



On December 16th, 2021, Federal Ministry of Human Rights and UNDP launched Pakistan's first National Action Plan on Business and Human Rights (NAP).

on the United Nations Guiding Principles on Business and Human Rights, which are built around three pillars: (i) The duty of the state to protect human rights; (ii) The responsibility of businesses to respect human rights; and, (iii) The need for effective access to remedy when

Human rights due diligence; (iv) Labour standards; (v) Child labour; (vi) Forced or bonded labour; (vii) Occupational health and safety; and, (viii) Access to remedy.

Across all these priority areas is reflected the fundamental human rights principle of “Leaving No One Behind”, with several pledges relevant to the protection and promotion of the rights of the most vulnerable and marginalized workers, including those who are part of Pakistan's large informal economy. The NAP also takes a strong stance on the development of a human rights due diligence regime in Pakistan, a fundamental means of advancing responsible business conduct.

UNDP looks ahead to supporting the effective implementation of the NAP, through collaboration with the government of Pakistan, and a variety of other stakeholders including civil society, businesses, and national Human Rights Institutions.



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Claiming Rightful Leadership

“ Despite the shrinking space, I am convinced that the fight for a better life for religious minorities must continue. ”

As narrated by
Mary James Gill

Executive Director, Center for Law and Justice
Human rights lawyer and activist
Former MPA, Punjab

Life is not easy for a woman from a marginalized minority in Pakistan, but I have always believed that I was born to do something unusual in life. The birth of a girl is not a celebrated event in Pakistan, and as a child, I learnt that my birth was an unpleasant event in my family too. This alone has since motivated me to work against injustices in all its forms.

I am a human rights lawyer, a politician and an activist for the most marginalized people, including women and disadvantaged religious minorities in Pakistan. I have been working on Christian women's right to divorce and inheritance for quite a while now. In addition, I am running a unique campaign called "Sweepers Are Superheroes," which

aims to bring dignity, safety, and social protection to sanitation workers in Pakistan.

In 2018, I received the Swedish government's prestigious Anna Lindh Prize for extensive work highlighting sanitation workers' plight. The Human Rights Prize of the French Republic (CNCDH) for 2021 is also to be awarded to me shortly.

Apart from gender, religious identity has been the driving force in this work. Being a Christian has always been a source of pride. After all, we voted and stood for Pakistan in 1947. But today, realities are different. Pakistani Christians, on one hand, are seen as remnants of the colonial period. But, on the other, they are perceived as people who are only





“ Being a Christian has always been a source of pride. After all, we voted and stood for Pakistan in 1947. But today, realities are different. ”

worthy of janitorial jobs and a status of untouchables.

In 2019, we published a study titled “Shame and Stigma in Sanitation,” which explored this issue in much detail. We found that the institutions of caste and untouchability have now been recast into religious discrimination against minorities. Even today, most Christian and Scheduled Caste Hindu minorities work in sanitation and other menial professions, and live miserable lives. They are perhaps one of the most oppressed groups in Pakistan, and there are very few who fight against this

oppression.

The Pakistani civil society has had a limited space since the 1980s, and the space seems to have shrunk in the past few years. Despite this shrinking space, I am convinced that the fight for a better life for religious minorities must continue. I have seen and heard the most harrowing incidents and stories of discrimination and violence against minorities in Pakistan. I hope to continue highlighting these stories, seek justice for victims and eventually change things for good.

Embrace Your Dreams

“ Disability right is a fundamental human right, which must be ensured at all fronts. ”



“Failure is a word unknown to me,” said Muhammad Ali Jinnah. As a future leader, I learnt to overcome disparity. The challenges of growing up with a different ability meant tough realities and life changing situations that affected me personally. Finding my own voice and a purpose of being, brought hope, and a vision to progress in life.

Being a true advocate at heart from a young age, I was inspired to dream bigger. Despite living in a country where

disability rights are unknown to many, my optimism continued to flourish. I grew determined to transform my future – passion has the power to do just that. Due to the lack of disability awareness, I had to face the obstacle of inaccessibility. Not being able to experience the liberty of an accessible environment, particularly during my educational pursuits, was a wakeup call. I stood there, reflecting upon the great souls who fought their battles, tirelessly. I was no exception.

As narrated by

Azima Zaidi

Social Inclusion Officer
Youth Empowerment
Programme, UNDP





“ Throughout my life, my goal has been to evolve into a self-assured, articulate young woman, who commits to exemplify that failure is never an option. ”

Ambitiously making my way through all upheavals, I completed my Master's in International Relations (2019) with flying colours. Throughout my life, my goal has been to evolve into a self-assured, articulate young woman, who commits to exemplify that failure is never an option. It is never too late to define your ambition. I began speaking for disability inclusion at various official gatherings, traveled to the United States as an exchange ambassador, participated at community services projects, worked with several organizations – all to showcase that embracing your true potential is indeed a recipe for ultimate success.

Continuing my journey of resilience, I am blessed to have been working at the United Nations Development Programme (UNDP). Disability right is a fundamental human right, which must be ensured at all fronts. Considering the

2030 Agenda for Sustainable Development, it is high time we keep our promise of leaving no one behind, and integrate the presence of marginalized segments, particularly the differently abled youth, across multiple programmatic areas.

As a Social Inclusion Officer, I wish to utilize my experience to strategize an inclusive methodology that would cater to the needs of persons with disability (PWDs), specifically in the academic and employment sectors. I am keen to excel in this venture, and make inclusive policies a reality. In the long run, my commitment is to strengthen the existing talent pipeline of qualified differently abled persons within the UN system, so they can contribute towards the development sector, at national and global levels. I wish to take the UN Development mission forward!

“ The journey may seem uncertain, but the destination is surely worthwhile. ”



From Margins to Mainstream

“ I began to shun the society that shunned me, I was fine living on its fringes – it felt more safe. ”



As narrated by
Nayyab Ali

Okara is a place many would not consider urban, but it was my home, the same home I was kicked out of as a young child at age 13 due to my effeminate traits being too great of a sin in my household .

I was left with no way to afford my education except to struggle for scholarships, and earning by making subject diagrams for my fellow students and seniors. To further my education, I would beg in the mornings prior to my

university classes. To know what life is like for an openly trans person in Pakistan, one only has to imagine the cruellest degradation one can face, and accept daily. This led me to begin shunning the society that shunned me, I was fine living on its fringes – it felt more safe.

When my trans sister became victim to a gang rape by eight men and on approaching our guru (our trans parent effectively), was told her that this is a part





“ Despite numerous threats, I stood as one of the first trans candidates during the 2018 national elections, and launched the All Pakistan Transgender Election Network. ”

of life and she should move on, I decided to break the cycle of the normalization of violence, and filed a police report against those men, and was soon to pay a high price for it.

The issue was settled out of court, and I, while dancing at a function to earn money, had a liquid thrown on me, I assumed it was hot water - it was not, it was acid. I barely survived, with surgery upon surgery, all of which I had to face alone. In that moment, I almost gave in to hopelessness, but a burning desire to aid my community grew in me, like embers to a brilliant flame. Despite being the recipient of several international awards including the Franco German Prize for Human Rights and Rule of Law, or the APCOM Hero Award, my acid attack scars are my most prestigious award, as well as my daily reminder that there is still a battle to be fought.

Then began my efforts towards movement building for transgender rights in Pakistan by opening the first

ever transgender literacy centre in Okara. I struggled for legislative reform, advocacy, and lobbying for community empowerment, by acting as a bridge between the community and government. The UNDP named me their Gender Equality Advocate, and thereafter, despite numerous threats, I stood as one of the first trans candidates during the 2018 national elections, and launched the All Pakistan Transgender Election Network.

I founded my organization, the Transgender Rights Consultants Pakistan (TRCP), which is currently running the Trans Inclusive City (TIC) campaign - a two year long campaign aimed at mainstreaming my community through initiating collaboration between public and private entities and commitments to organizational changes, which has resulted in the first trans police officer and the first ever trans expert in the ministry of human rights. When my sisters move forward, we all move forward.



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